

EXAMINATION UNDER OATH OF:

CASEY SHIRTS

March 10, 2015

Casey Shirts, called for oral examination by counsel, pursuant to Subpoena, at the Bennett Federal Building, 125 South State Street, Salt Lake City, Utah, before Vickie Larsen, CSR/RMR, of Capital Reporting Company, a Notary Public in and for the Commonwealth of Utah, beginning at 8:57 a.m., when were present of behalf of the respective parties:

1 A P P E A R A N C E S

2

3 For Environmental Protection Agency:

4 Kathryn Pirrotta Caballero  
5 ENVIRONMENTAL PROTECTION AGENCY  
6 1200 Pennsylvania Ave, N.W.  
7 Room 4124A: MC-22AA  
8 Washington, D.C. 20460  
9 202.564.1849  
10 Caballero.kathryn@epa.gov

11 For H&S Performance and the Witness:

12 Barry Clarkson  
13 CLARKSON DRAPER & BECKSTROM  
14 162 North 400 East, Suite A-204  
15 St. George, Utah 84770  
16 435.634.1940  
17 Bclarkson@clarksondraper.com

18 Also Present:

19 Anthony J. Miller

20 -oOo-

21

22

23

24

25

26

27

28

29

30

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

Witness	Page
CASEY SHIRTS Examination by Ms. Caballero	4

E X H I B I T S

No.	Description	Page
Exhibit 1	Subpoena to Testify	6
Exhibit 2	Net Worth by Month As of February 6, 2015	120

(Exhibits attached to transcript)

1 P R O C E E D I N G S

2 (Exhibits 1-2 were marked for identification.)

3 Whereupon,

4 CASEY SHIRTS,

5 called as a witness, having been duly sworn,

6 was examined and testified as follows:

7 EXAMINATION

8 BY MS. CABALLERO:

9 Q. Good morning.

10 A. Good morning.

11 Q. Can you state your full name and  
12 address for the record, please.

13 A. Casey Shirts. 246 East Skyline  
14 Circle, Washington, Utah 84780.

15 Q. Thank you.

16 My name is Kathryn Caballero. I'm an  
17 attorney with the Office of Civil Enforcement at  
18 the Environmental Protection Agency in  
19 Washington, D.C. Here today with me is my  
20 colleague, Tony Miller, who's based out of the  
21 Denver office.

22 MR. CLARKSON: Barry Clarkson with the  
23 firm of Clarkson Draper & Beckstrom on behalf of  
24 H&S.

25 Q. BY MS. CABALLERO: Have you ever been

1   deposed before?

2           A.       One other time.

3           Q.       So you know a little bit about the  
4   rules of a deposition.  If at any time you need a  
5   break, please let me know, we'd be happy to take  
6   a break.

7                    If you don't understand a question,  
8   please let me know and I'll rephrase it.  The  
9   court reporter can only record a written  
10  response, so please do not -- a verbal response,  
11  excuse me -- so no head shakes.  All responses  
12  should be verbal.

13          A.       Okay.

14          Q.       Will you be claiming any testimony  
15  today that's business confidential such that  
16  public disclosure of this information would  
17  divulge methods or processes entitled to  
18  protection as trade secrets?

19          A.       No.

20          Q.       Okay.  Who are you currently employed  
21  by?

22          A.       H&S Performance.

23          Q.       And what is your position in the  
24  company?

25          A.       Member.

1 Q. Okay. Are you appearing here today  
2 pursuant to subpoena?

3 A. Yes.

4 Q. I'd like to introduce as Exhibit 1 the  
5 subpoena.

6 Do you recognize this document?

7 A. Yes.

8 Q. And this is the document that you  
9 received commanding you to appear at this time  
10 and place?

11 A. Yes.

12 Q. Thank you. I'm going to start with  
13 some background.

14 You currently work for H&S  
15 Performance. How long have you worked there?

16 A. 2007 to 2008. I don't know the exact  
17 date.

18 Q. And at all times have you been a  
19 member of H&S Performance?

20 A. Yes.

21 Q. Have you ever had any other type of  
22 job title?

23 A. No.

24 Q. Prior to 2007 did you have a different  
25 job?

1 A. Various jobs, yes.

2 Q. Okay. So starting in 2007, what job  
3 were you at?

4 A. Before that -- now I got to think  
5 back. Before that I worked for -- I think --  
6 it's been a while -- last job before that was a  
7 -- I owned a business.

8 Q. What was the name of the business?

9 A. It was called -- now I'm all...

10 Q. Take a minute.

11 A. I sold it. It was Mobile Technology.

12 Q. What type of business was that?

13 A. Automotive repair.

14 Q. And how long did you work at Mobile  
15 Technologies (sic)?

16 A. Four years.

17 Q. So from approximately 2003 to 2007?

18 A. Estimated, yes.

19 Q. Estimated.

20 And you were the owner of that  
21 business?

22 A. Yes.

23 Q. And what were your job  
24 responsibilities?

25 A. Basically everything. We only had a

1 couple of employees. So I was in charge of  
2 scheduling jobs, talking to customers. I didn't  
3 do any of the repair myself, but mainly just  
4 administrative.

5 Q. Okay. Where was that business based?

6 A. St. George, Utah.

7 Q. Prior to approximately 2003, did you  
8 have another job?

9 A. Yes. I worked for a company called  
10 Direct Tire.

11 Q. What type of company is that?

12 A. That is a tire distributor.

13 Q. Did you say it was "Direct Hire" or  
14 "Direct Tire"?

15 A. Tire.

16 Q. Thank you.

17 And what were your job  
18 responsibilities at Direct Tire?

19 A. When I started I was a warehouse  
20 stocker, and was moved into a sales position.

21 Q. How long were you with Direct Tire?

22 A. I believe I started in '97 or '98. I  
23 don't recall exactly.

24 Q. Okay. Where is Direct Tire located?

25 A. St. George, Utah.



1 Q. Prior to the beginning of your job at  
2 Direct Tire, did you have another job?

3 A. Yes. I'll have to think.

4 Q. Okay.

5 A. I believe my last job before that was  
6 -- I was a cabinet maker for Powercraft Cabinets  
7 in Washington, Utah.

8 Q. How long were you employed with them?

9 A. I believe two to three years.

10 Q. So approximately 1994 or '95 to  
11 approximately 1997, '98?

12 A. That would be a good estimate, but,  
13 again, I don't recall exactly. Very bad with  
14 dates.

15 Q. Okay. What were your job  
16 responsibilities at that position?

17 A. Cabinet making.

18 Q. Did you have another position prior to  
19 '94, '95 time frame?

20 A. Going way back. I don't know the time  
21 frame of it, but I did hold various jobs. Not  
22 necessarily full time, but various odd jobs and  
23 things to make money.

24 Q. Thank you.

25 Did you ever have a position similar

1 to a position that you had at H&S in terms of  
2 manufacturing devices that defeat pollution  
3 control technology?

4 A. No.

5 Q. Can you describe for me your formal  
6 education.

7 A. Completed high school and a few  
8 credits at a junior college.

9 Q. Okay. So when did you graduate from  
10 high school?

11 A. 1996.

12 Q. And what high school did you attend?

13 A. Snow Canyon High School.

14 Q. And where is Snow Canyon High School  
15 located?

16 A. Santa Clara, Utah.

17 Q. And what junior college did you  
18 attend?

19 A. Dixie College.

20 Q. And where is Dixie College located?

21 A. St. George, Utah.

22 Q. And what types of courses did you  
23 take?

24 A. I took a -- I took various high school  
25 classes in high school that gave me college

1 credits. And then I believe the only course that  
2 I actually physically took at the college was an  
3 auto body class.

4 Q. Did you receive any type of degree  
5 from Dixie College?

6 A. No.

7 Q. Okay. And when, approximately, did  
8 you attend Dixie College?

9 A. Would have been '96. I'm pretty sure  
10 it was '96.

11 Q. So when you were attending Dixie  
12 College, you were also working as a cabinet  
13 maker?

14 A. Yes.

15 Q. Is there any other education, work  
16 experience that you haven't mentioned to me that  
17 you can recall?

18 A. Not that I can recall.

19 Q. Okay. Thank you.

20 You testified you're currently  
21 employed by H&S Performance. Is that at the 4160  
22 South River Road location in St. George, Utah?

23 A. Yes.

24 Q. Do you know whose idea it was to begin  
25 H&S Performance as a company?

1           A.        I don't recall exactly. Bentley and  
2 I -- Bentley Hugie and I -- I think both came up  
3 with the idea.

4           Q.        Do you know approximately when that  
5 was?

6           A.        Between 2007 and 2008.

7           Q.        At that time, how did you know  
8 Mr. Hugie?

9           A.        We knew each other professionally. He  
10 had another business in town running concurrently  
11 while I was running Mobile Technologies.

12          Q.        Is that Extreme Accessories?

13          A.        Yes.

14          Q.        Are you related to Mr. Hugie?

15          A.        No.

16          Q.        When you and Mr. Hugie first began  
17 considering the initiation of H&S Performance,  
18 did you decide which roles each of you would have  
19 in the business?

20          A.        No.

21          Q.        Can you explain your role in the  
22 business when the business began.

23          A.        My role was whatever needed to be done  
24 at the time. A small start-up business requires  
25 you to basically do everything. I was from

1 cleaning toilets, to trying to figure out what  
2 products to make. Basically everything.

3 Q. Did there come a time when your role  
4 in the business changed from being a general  
5 purpose employee to assuming more responsibility  
6 for the business, and maybe other portions of the  
7 business?

8 A. Definitely. There was probably a  
9 couple of times that, you know, not necessarily  
10 one -- one turning point, it was kind of as the  
11 business evolved what -- what things needed to be  
12 done or specialized, we did it.

13 Q. So could you describe the first  
14 turning point from sort of doing everything, as  
15 you have described, at the business to become  
16 more specialized in a role?

17 A. When we hired employees.

18 Q. When was that?

19 A. Sometime between 2008 and 2009. I  
20 don't recall the exact dates.

21 Q. Who did the hiring of the employees?

22 A. I did.

23 Q. Did Mr. Hugie assist you?

24 A. I guess defining "assist": Discussed.

25 Q. Who placed the job applications in the

1 local paper, if in fact one was placed?

2 A. We've never advertised for a position.  
3 We've always just tried to hire people that we  
4 know, either friends, family. We've hired based  
5 on people coming in to the business and filling  
6 out job applications, but we've never placed any  
7 ads.

8 Q. So generally you would consider that  
9 word-of-mouth --

10 A. Yes.

11 Q. -- advertising?

12 So after you hired some employees, did  
13 there come another turning point where your  
14 responsibilities changed?

15 A. Yes. At the beginning, you know, I  
16 was doing everything. But there came a point in  
17 probably the 2009 to '10 range where as I became  
18 disassociated with product development and  
19 technical aspects, and mainly managed employees.

20 Q. When you began to manage employees,  
21 did you have employees engaged in marketing?

22 A. Yes.

23 Q. Can you describe for me, to the best  
24 of your knowledge, around the 2009-2010 time  
25 frame, separate divisions of H&S, or departments.

1           A.       I don't believe that we specifically  
2   had marketing in 2009, but I believe in 2010 we  
3   did. Our divisions would have been -- and this  
4   is a kind of a broad date range.

5           Q.       Sure.

6           A.       But divisions of the company would  
7   have been shipping/receiving as a department,  
8   technical support as a department,  
9   administrative/bookkeeping, that being one  
10   department.

11          Q.       I'm going to ask you, to the best of  
12   your knowledge around the 2010 time frame, to  
13   name the folks that worked in these departments.  
14   I know that may be challenging, but just do the  
15   best you can with it.

16                   Do you have personnel records of the  
17   individuals who worked at H&S?

18          A.       We would in the office, but I've --  
19   I've never really reviewed them.

20          Q.       Okay. Well, let's start with  
21   marketing. Who was working in marketing around  
22   2010?

23          A.       And again, I'd have to -- I don't know  
24   the exact date that we specifically had people  
25   from marketing. I believe in 2010 we had Scott

1 Dana, which was not necessarily marketing. He  
2 was just for building the website at that point.

3 Q. Did Scott Dana report to you?

4 A. We would have -- I would say overall,  
5 yes.

6 Q. Did you engage in performance reviews  
7 with Scott Dana?

8 A. Over his time period, yes, we did have  
9 a handful of performance reviews.

10 Q. Just with Mr. Dana? Or with general  
11 employees?

12 A. General employees. It wasn't a habit  
13 of a schedule, but if we felt there was a -- a  
14 work problem, or if the employee came to us  
15 asking for a raise or things like that, then we  
16 would do a basic performance review. But as a  
17 rule, there wasn't scheduled, you know, for every  
18 employee.

19 Q. You mentioned they may come to you in  
20 case they wanted a raise. Who was responsible  
21 for salaries of these employees?

22 A. I was.

23 Q. And did you have salaried employees as  
24 well as hourly employees?

25 A. Yes.



1 Q. So what category did Mr. Dana fall  
2 into?

3 A. I will have to review that. I don't  
4 know, because at some point he was an independent  
5 contractor before he moved in full time to our  
6 facility. And even after he moved in and had a  
7 space he was -- he still had his own space and  
8 was doing outside jobs.

9 So there was a substantial period of  
10 that where he was an independent contractor where  
11 we paid his company and then received his time.

12 Q. Do you know the name of his company?

13 A. I believe it's Dana Six.

14 Q. The number six? Or spelled out six?

15 A. I think it's spelled out six, but I'm  
16 not positive on that. I believe --

17 Q. Does Mr. Dana still work for H&S  
18 Performance?

19 A. No.

20 Q. When did he stop working for H&S  
21 Performance?

22 A. Sometime between 2013 and 2014, but I  
23 don't know the exact date.

24 Q. Do you know who he works for now, if  
25 anyone?

1           A.       I do not.

2           Q.       Do you know what his approximate  
3 salary was when he was a salaried employee in  
4 marketing?

5           A.       And again, I -- I don't -- I don't  
6 know for sure that he was a salaried.

7           Q.       Okay.

8           A.       That I would have to look up, because  
9 I don't know at what point if and when he came  
10 off the independent contractor status.

11          Q.       Do you know approximately how much H&S  
12 was paying Mr. Dana as an independent contractor?

13          A.       I believe between 4,000 and 5,000 a  
14 month. Sorry, I just didn't want it to be --

15          Q.       No, that's completely fine. I  
16 appreciate that.

17                   So who else is working in marketing?

18          A.       Again, I'm bad with dates. But over  
19 the -- the course of 2010 to 2014 we had -- so  
20 bad with names. Give me a second, it will come  
21 to me here. Chad Baird. And he was just an  
22 hourly employee.

23          Q.       Do you know approximately how much you  
24 paid him an hour?

25          A.       I don't recall exactly what he was

1 paid.

2 Q. Was it minimum wage?

3 A. No. It would have been between 15 and  
4 \$20 an hour.

5 Q. Did the hourly wage for employees vary  
6 based on their jobs?

7 A. I guess, yes. More so on, I guess,  
8 their experience.

9 Q. Did Mr. Baird have a formal education  
10 that included college?

11 A. I'm not certain. I believe so. He  
12 was a graphic artist.

13 Q. Did Mr. Baird make more an hour than  
14 someone working in shipping and receiving?

15 A. Not necessarily, no. Again,  
16 experience and tenure kind of dictated what --  
17 what hourly pay was.

18 Q. Besides Mr. Baird and Mr. Dana, who  
19 else worked in the marketing department?

20 A. Last name McArthur, first name is --  
21 all I can think of is his brother.

22 Q. Does he also work for H&S, his  
23 brother?

24 A. No. He's a friend. That's how I come  
25 to know him (sic). I'll have to come back to

1 that one and remember his first name.

2 Q. We'll just put a placeholder for that.

3 Is there anyone else you can think of  
4 who was working in marketing?

5 A. We had, for a brief period, a  
6 gentleman named Ryan -- that's funny. I can  
7 remember his first name and not his last name  
8 now. He only worked there for three to  
9 four months. I may not -- that name may not come  
10 up. I may have to look that one up.

11 Q. Are you familiar with a company named  
12 Performance Diesel Industries or PDI?

13 A. I am.

14 Q. Did you share any employees with PDI?

15 A. No.

16 Q. Do you know if Mr. Dana did any work  
17 for PDI as an independent contractor?

18 A. I don't believe so, but I don't know.

19 Q. Do you know Mr. Wittwer who works at  
20 PDI?

21 A. I do.

22 Q. How do you know him?

23 A. Just personally through town. It's a  
24 small town.

25 Q. Do you recall when you met him for the

1 first time?

2 A. Sometime in the '90s.

3 Q. Have you ever coordinated on business  
4 projects with him?

5 A. Coordinated on business projects.

6 Projects, no. We have bought, on occasion, a  
7 couple of products from him, or vice versa. Just  
8 normal course of business. Back when I had my  
9 auto service and repair garage, Mobile  
10 Technologies, I purchased a few products from  
11 him.

12 Q. We'll be returning to that later.  
13 Thank you.

14 Returning to the employees of H&S,  
15 around 2010 you indicated that the company began  
16 to grow, and you had hired employees, and you had  
17 a product development section; is that correct?

18 A. Yes. That would primarily be  
19 Bentley's department.

20 Q. And do you know who worked with  
21 Bentley in that department?

22 A. Between the -- I really don't know who  
23 directly worked for him or did product  
24 development for him. I kind of left that to him.  
25 I know that his brother Payton was kind of his

1 assistant with things, but I don't know what role  
2 he played, whether he was in development. I know  
3 he has worked on things, but I don't know to what  
4 degree he's helped with the product development.

5 Q. So Payton Hugie --

6 A. Yes.

7 Q. -- is who you're referring to?

8 How about someone named Zane?

9 A. Zane. I don't know as far as product  
10 development with H&S products. I know that we  
11 initially hired him for H&S product development,  
12 but they have branched off into their own company  
13 since then, and I don't know what role, if any,  
14 that Zane actually did for H&S Performance in  
15 terms of product development.

16 Q. What is Zane's surname?

17 A. I don't know. It's pronounced either  
18 COOK or COACH, K-O-C-H.

19 Q. And what is the name of his company  
20 that he's currently working for?

21 A. H&S Motorsports.

22 Q. Do you know what the function of that  
23 company is?

24 A. I -- not exactly. From what I have  
25 seen, it's developing turbo systems, upgraded

1 fuel systems.

2 Q. Do you have a financial interest in  
3 that company?

4 A. I do not.

5 Q. Do you know what the applications are  
6 for the turbo systems that H&S Motorsports is  
7 developing?

8 A. Not as a whole. I know that they  
9 build them for newer Ford trucks.

10 Q. You say "newer Ford trucks"?

11 A. Newer Ford. But I don't know all the  
12 -- the technical specifications. And I do  
13 believe that to a certain degree -- I'd have to  
14 look up -- but I think Zane may still be on the  
15 H&S payroll, to some degree, because he was doing  
16 mechanical work and a few things for H&S still.  
17 So I -- I kind of think he's working for both  
18 companies, but -- but I would have to look that  
19 up.

20 Q. Did you ever have a financial interest  
21 in H&S Motorsports?

22 A. No.

23 Q. Do you know Zane's salary when he  
24 worked for H&S Performance?

25 A. Somewhere between 4,000 and 5,000 per

1 month.

2 Q. Do you know Payton Hugie's salary when  
3 he worked for H&S Performance?

4 A. Somewhere between -- is it -- I would  
5 probably have to broaden my guess on that.  
6 Somewhere between 3,000 and 5,000 a month. And I  
7 believe that he started out just as an hourly, 12  
8 or \$13 an hour. I don't know at what point he  
9 was moved to salary, or if he was just given a  
10 raise. I don't know if he was actually salaried.

11 Q. In this 2010 time frame, do you recall  
12 your salary for H&S Performance?

13 A. I do not.

14 Q. Do you know your salary today for H&S  
15 Performance?

16 A. It is between -- between 3,000 and  
17 5,000 a month. I don't know exactly.

18 Q. Was there a time when that was more  
19 than 3- to 5,000 per month?

20 A. Yes.

21 Q. And when was that?

22 A. Between the 2012 to 2014 range,  
23 estimated.

24 Q. Estimated.

25 And let's start with 2012. In 2012,



1 what was your salary on a monthly basis?

2 A. I -- I really don't know.

3 Q. Approximately is fine.

4 A. I -- I really don't. I wouldn't even

5 -- I know between those date ranges I made

6 between -- let's see -- during those date ranges

7 I would have made between the 3,000 to 9- to

8 10,000 per month range. But I don't know at what

9 -- what those stepping points were. Very bad on

10 things.

11 Q. With Mr. Hugie, do you know his salary  
12 today?

13 A. I believe that our salaries were  
14 mirrored. We -- so I wouldn't -- it would be the  
15 same.

16 Q. You are co-managers at your company?

17 A. Yes.

18 Q. Co-principals?

19 A. Yes.

20 Q. So during the 2012 to 2014 time frame,  
21 would Mr. Hugie's salary have been the same as  
22 yours?

23 A. Yes.

24 MS. CABALLERO: I'm going to make a  
25 request on the record for the personnel that have

1 worked at H&S from 2010 to the present, the dates  
2 of their employment, and their salaries.

3 Q. Turning back to the employees working  
4 at H&S in approximately 2009-2010 time frame. Do  
5 you know the names of the individuals working in  
6 tech support?

7 A. I'm sorry, I missed part of that. Can  
8 you --

9 Q. Sure. Let me start over.

10 You have testified that there were  
11 some different divisions, areas at H&S  
12 Performance, including a tech support area. Who  
13 were the individuals working in tech support  
14 around the 2010 time frame?

15 A. 2010 I believe would have been between  
16 the -- I could probably give a more broad of a  
17 '10 to '14 range. I could kind of start --

18 Q. That's fine. Why don't we work with  
19 the 2010 to 2014 time range, the names of the  
20 employees in tech support.

21 A. We had a Bobby Lay. We had a Tim  
22 Moore. A Robert Van Otten.

23 Q. What's the last name of Robert?

24 A. Van Otten. Two words.

25 Q. Second word, how do you spell that?

1           A.           O-T-T-E-N.

2           Q.           Thank you.

3           A.           We had a Kyle Little.   Kellen Gardner.

4   Brendon Anderson.   I know there's a couple more.

5   There's a Danny, I don't recall his last name.

6   He was a three- to four-month employee.

7           Q.           I can work with that for now.   Thank  
8   you.

9                       Were these individuals hourly  
10 employees?

11          A.           I believe they're -- there may have  
12 been a salaried employee in the mix, but I don't  
13 recall who that would have been specifically.  
14 But I believe that there was one or two salaried  
15 employees, and the rest were hourly.

16          Q.           For the hourly employees, were they  
17 paid the minimum wage?

18          A.           No.

19          Q.           Do you know approximately what they  
20 were paid in that time frame?

21          A.           Between -- I would say -- estimate, 12  
22 to 18 per hour.   Oh, Jim Maxfield was -- going  
23 back to the last question -- was a tech employee.

24          Q.           Do you know the employees who were  
25 working in bookkeeping in that time frame?

1 A. Lori Anderson.

2 Q. Anyone else?

3 A. The '10 to '14 period, there would  
4 have been an Amberly Anderson.

5 Q. Is that her daughter?

6 A. Yes.

7 And we did have a -- another gentleman  
8 there for a short period.

9 Q. How about a Kurt Nielsen?

10 A. He would be our tax accountant.

11 Q. Did he work for H&S Performance?

12 A. No. He just primarily files our  
13 year-end taxes. The gentleman in the accounting  
14 would have been Wayne -- I would have to think,  
15 can't come up with his last name at the moment.  
16 He was only there a few months, though.

17 Q. Were these salaried employees?

18 A. I believe they are -- they were all  
19 hourly.

20 Q. Do you know approximately how much  
21 they were paid per hour?

22 A. Amberly would have been 10 to 15,  
23 estimated. Lori would have been 15 to 30 range.

24 Q. Was Lori Anderson the highest paid  
25 hourly employee at H&S Performance?

1           A.       I believe so.

2           Q.       Is there anybody else at H&S  
3 Performance who was making close to Lori  
4 Anderson, in terms of an hourly wage?

5           A.       Other than Mr. Hugie and myself, I  
6 believe that she would have been the highest  
7 paid.

8           Q.       Is Lori Anderson related to Brendon  
9 Anderson, to your knowledge?

10          A.       No, I don't believe they are.

11          Q.       Do you know how much H&S paid  
12 Mr. Nielsen on a yearly basis?

13          A.       I do not.

14          Q.       Moving on from the 2009-2010 time  
15 frame, did there come another turning point where  
16 your business responsibilities as an individual  
17 changed at H&S Performance?

18          A.       Not that I can recall. That was  
19 primarily my -- my duties, was oversee employees.

20          Q.       Did there ever come a time when you  
21 began to work with Mr. Hugie in product  
22 development on a daily or monthly basis?

23          A.       At the beginning, yes.

24          Q.       And when did that approximately end?  
25 That time that you worked with him on product

1 development?

2 A. The -- I would estimate the 2009 to  
3 2010 time frame.

4 Q. Was there ever a person named Skyler  
5 Topham working directly for H&S Performance?

6 A. No.

7 Q. Do you know who Skyler Topham is?

8 A. I do.

9 Q. Do you know what company he was  
10 working for during the 2010 to 2014 time frame?

11 A. I don't know the exact name of the  
12 company.

13 Q. Is it a company that H&S Performance  
14 had hired to do work for H&S Performance?

15 A. No.

16 Q. I'm introducing Hugie Exhibit 24. Can  
17 you please read this exhibit.

18 A. The header? Everything or...

19 Q. Let me give you the official exhibit.

20 I'm showing you what has been marked  
21 as Exhibit 24, Hugie. Yeah, so if you could just  
22 read to yourself the exhibit.

23 A. Okay.

24 Q. Do you recognize this exhibit?

25 A. Not specifically, but it does look

1 like our Facebook.

2 Q. In the first line of the exhibit,  
3 Skyler is representing himself as associated with  
4 H&S. Does that refresh your recollection?

5 A. Yes. Well, so I believe that Skyler  
6 worked for a company that was subcontracted out  
7 by a company that we did engage with for -- for  
8 obtaining Facebook clients. But we had never  
9 contracted with Skyler Topham.

10 Q. So what company did you contract with  
11 originally that would then have hired whoever  
12 Skyler was working with?

13 A. I believe the name of their company is  
14 DieselSellerz.

15 Q. Do you know where that company is  
16 located?

17 A. Somewhere in the Northern Utah area.  
18 I don't know the specifics.

19 Q. How did you come to be aware of the  
20 company DieselSellerz?

21 A. They contacted us.

22 Q. Do you know who your contact was at  
23 DieselSellerz?

24 A. It would have been Dave Sparks.

25 Q. Do you know approximately when Dave

1 Sparks contacted you?

2 A. I don't recall the exact date.

3 Q. How did he contact you?

4 A. I believe that he specifically had  
5 contacted Bentley, so I don't know the -- whether  
6 it was an e-mail or a phone call.

7 Q. How long did H&S Performance work with  
8 DieselSellerz?

9 A. I believe it was around six months.

10 Q. After the six-month period, why did  
11 you no longer -- why did H&S Performance no  
12 longer work with DieselSellerz?

13 A. To my best recollection, I believe  
14 that Mr. Hugie and myself didn't believe we were  
15 getting our money's worth, basically. It was  
16 fairly expensive.

17 Q. How much did H&S Performance pay  
18 DieselSellerz?

19 A. I believe over the six-month period --  
20 I don't know the exacts -- but I would estimate  
21 between 40- and \$75,000.

22 Q. Total amount? Or on a monthly basis?

23 A. Total amount.

24 Q. To your knowledge, did DieselSellerz  
25 reach out to other manufactures of what we refer



1 to at the EPA as "defeat devices"?

2 A. I don't know.

3 MS. CABALLERO: I'll make a request on  
4 the record for any correspondence with  
5 DieselSellerz, including financial records.

6 MR. CLARKSON: Previously you  
7 requested during Bentley's deposition the name of  
8 DieselSellerz. Now that we have that, do I still  
9 need to --

10 MS. CABALLERO: Now that we have the  
11 name of DieselSellerz, I do not need you to find  
12 the name. But any correspondence or information  
13 communicated between H&S Performance and  
14 DieselSellerz, we would like to see that. And as  
15 I said, any financial records.

16 MR. CLARKSON: Okay. All right.

17 MS. CABALLERO: Thank you.

18 Q. So approximately when did you work  
19 with DieselSellerz?

20 A. I believe between -- sometime between  
21 the '13 to '14 time period.

22 Q. And it's your understanding that  
23 DieselSellerz subcontracted some of their work to  
24 a third company?

25 A. I believe that was the structure, yes.

1 Q. And it's your understanding that  
2 Skyler, referenced in Hugie Exhibit 24, worked  
3 for that sub-company?

4 A. Yes, that is my understanding.

5 Q. But you don't know the name of that  
6 company?

7 A. I do not.

8 Q. Okay. Thank you. I'll return to  
9 these exhibits later.

10 You testified that you were involved  
11 in overseeing employees and in overseeing the  
12 general divisions at H&S Performance. And that  
13 included marketing?

14 A. By default, yes. I guess so.

15 Q. Did Casey -- I'm sorry.

16 Did Mr. Hugie have involvement in  
17 marketing?

18 A. To a certain degree, we both had  
19 involvement in the entire company. Because  
20 basically small day-to-day decisions would have  
21 been handled by me, or larger decisions would  
22 have been a consensus between us.

23 Q. Did one of you have more involvement  
24 in marketing than the other?

25 A. I would say both of us had very little

1 marketing. I -- I hired the people for website  
2 design. And -- and to clarify "marketing," we  
3 never really had a marketing, per se, plan. It  
4 was mainly our marketing guys were in charge of  
5 building the website, building our Facebook to  
6 look similar to our website, and product branding  
7 with packaging, things like that. But we didn't  
8 necessarily have a marketing budget or a -- or a  
9 plan or...

10 Q. What was the name of the division or  
11 department that was involved in building the  
12 website, building Facebook, and in product  
13 branding?

14 A. We just call it -- I personally just  
15 called them our web team.

16 Q. What was the purpose of the web team?

17 A. Just to build and maintain the website  
18 so that everything was functional.

19 Q. You mentioned -- you testified earlier  
20 that the web team worked on building Facebook.  
21 What was the purpose of building on Facebook?

22 A. Just brand recognition.

23 Q. And what was the purpose of brand  
24 recognition?

25 A. So people identified with our brand.

1 Q. Was the intent of the brand  
2 recognition to get people to purchase your  
3 products?

4 A. I would -- I would assume that would  
5 be our end result, yes.

6 Q. You would assume? Or that is the  
7 case?

8 A. That would be an assumption, because  
9 we've never sat down and said this is what we  
10 want to -- this is what it would take. If we  
11 build a brand, it will create sales. We've never  
12 discussed that. We've never really had to. We  
13 felt that we built a superior product, as far as  
14 the calibrations, and didn't feel it was  
15 necessary to try to sell our product.

16 Q. So H&S Performance had no formal  
17 marketing plan, but they had hired individuals to  
18 build a website, to build a Facebook presence,  
19 and to engage in product branding; is that  
20 correct?

21 A. Correct. Our web team was, the  
22 majority of their time, building a site so that  
23 customers could find information. A large  
24 portion of our website is technical support and  
25 we -- we tried -- we tried to build the best site

1 so that we could minimize tech support employees.

2 So we really tried to spend that time to build a

3 self-help or automated system where we didn't

4 have to hire more tech support individuals.

5 Q. Did you have final approval of the

6 activities of the web team?

7 A. Yes.

8 Q. Did Mr. Hugie also have final approval

9 of the activities of the web team?

10 A. On occasion. If I wasn't there and

11 something needed to be done then, yes, he would

12 be the person to go to.

13 Q. Did you have regular meetings with the

14 web team?

15 A. At some point between '12 and '14 we

16 attempted to have a weekly meeting, but often got

17 postponed and it ultimately never really happened

18 that way.

19 Q. But during the 2014 -- 2012 to 2014

20 time frame there were meetings with the web team?

21 A. Yes.

22 Q. At those meetings did you discuss

23 development of product branding?

24 A. Definitely.

25 Q. What else would you have discussed at

1 those meetings?

2 A. Facebook likes was occasionally  
3 discussed. I'll have to think about what else we  
4 may have discussed. Again, going back to the  
5 previous, the bulk of those discussions would  
6 have been that we're looking to build a site that  
7 is rich in technical information, that is easy to  
8 navigate.

9 That's kind of one of my big focuses  
10 to them was always a ease of use and a -- I guess  
11 just a -- a -- a pleasing to the eye look.  
12 That's -- that was always my main focus to them  
13 of make sure that it looks good and it's  
14 organized.

15 Q. You testified that you discussed  
16 Facebook likes. Did you want to increase the  
17 number of Facebook likes you had on the Facebook  
18 website?

19 A. Yes.

20 Q. You testified that you wanted a site  
21 that was rich in technical information. What  
22 type of technical information?

23 A. How to troubleshoot the product was  
24 the bulk of that.

25 Q. And what types of products did you

1 want potential customers to be able to  
2 troubleshoot?

3 A. All of our products.

4 Q. I'll return to that a little later.

5 I'm going to go back to your business  
6 location.

7 A. Okay.

8 Q. So the 4160 South River Road address  
9 is the primary location of the H&S Performance  
10 business?

11 A. Yes.

12 Q. Is there another location?

13 A. No.

14 Q. At the H&S location on South River  
15 Road, you have a warehouse?

16 A. Yes.

17 Q. What's the physical configuration of  
18 that warehouse?

19 A. As far as dimensions or --

20 Q. Sure. Dimensions, and then activities  
21 that might occur within different areas of the  
22 warehouse.

23 A. We have approximately -- our warehouse  
24 is divided in half. The total is, estimated,  
25 15,000, and it's divided in half of warehouse

1 with -- with shelving, and the other half would  
2 be for repairs, maintenance, just garage-type  
3 facility.

4 Q. What type of repairs occurred in this  
5 warehouse?

6 A. General automotive.

7 Q. For the general public?

8 A. No. For -- just employees were  
9 allowed to use it to repair their own vehicles.

10 Q. Was there a testing facility in this  
11 warehouse?

12 A. There is a dyno in the garage section.

13 Q. Any other types of testing facilities?

14 A. No, not that I'm aware of.

15 Q. There's an office portion of your  
16 business at South River Road?

17 A. Yes.

18 Q. And can you describe that.

19 A. There -- it's two levels of offices.

20 Q. And can you describe what occurs on  
21 each level of the office.

22 A. They're all pretty much offices. The  
23 tech support was downstairs, the administration  
24 was downstairs.

25 Q. What was upstairs?



1           A.       We have a meeting room. Mr. Hugie and  
2 myself's offices are upstairs. And there are  
3 several other offices upstairs as well.

4           Q.       In the warehouse was there an area  
5 where H&S Performance product was stored?

6           A.       Yes. That -- the entire warehouse had  
7 H&S products.

8           Q.       Were products solely shipped from the  
9 H&S Performance location? Or was there any foot  
10 traffic for business?

11          A.       No, we did not allow retail foot  
12 traffic.

13          Q.       How many employees are currently  
14 working at H&S Performance today?

15          A.       I believe eight.

16          Q.       And who --

17          A.       It could be seven to nine. I don't  
18 know the exact number because I -- I don't know  
19 if Zane is currently still on the payroll or not  
20 or -- and we have one that was considering  
21 quitting last week, and I have two part time.

22          Q.       Okay. Other than the two part-time  
23 employees, does each of the people that you've  
24 referenced report to work on a daily basis?

25          A.       Yes.

1 Q. And who are the individuals who report  
2 to work on a daily basis?

3 A. Lori Anderson. Amberly Anderson, and  
4 she is part time but I don't -- I believe it's  
5 still every day that she comes in. Payton Hugie.  
6 Dan Shirts, my brother. McKabe, M-C-K-A-B-E.

7 Q. And his first name is Mick?

8 A. No, that -- yeah, his first name is  
9 McKabe, M-C-K-A-B-E, and then his last name is  
10 Peterson. And then Mr. Hugie and myself.

11 Q. Anyone else?

12 A. Oh, and Jason Worth. He's the one  
13 that was considering quitting. I believe he's a  
14 part time as well as Amberly.

15 Q. Can you tell me the job  
16 responsibilities of each one of these people  
17 today?

18 A. Yes.

19 Q. We can start with Lori Anderson.

20 A. Lori would be in administrative,  
21 accounting, etc., as well as Amberly. Dan would  
22 be -- he's taken over the web maintenance where  
23 we, you know, let go our web team. He's taken  
24 over that duty.

25 Q. Payton Hugie?

1           A.       Payton. To be honest, I don't know  
2 what Payton does. I know he is under his brother  
3 and I -- I don't know what he does. Jason and  
4 McKabe are both in shipping/receiving.

5           Q.       At the peak of your business, how many  
6 employees work for H&S?

7           A.       I don't know the exact number. It's  
8 either 39 or 40. And I'm the one that answered  
9 the request for information for that. I believe  
10 I stated 39, and there was a month period where  
11 we had some hiring/firing. And so it's either 39  
12 or 40.

13          Q.       Okay. Thank you.

14                   Earlier you testified and you used the  
15 word "dyno." Can you state the full name for the  
16 dyno.

17          A.       I always fumble this. Dynamometer, I  
18 believe, is the...

19          Q.       Thank you.

20                   Do you need to take a break? Or are  
21 you ready to go on to the next section?

22          A.       I'm okay. But maybe 15 minutes I  
23 could use some water.

24          Q.       Why don't we take a break now, because  
25 I'm going to start an entire new section.

1           A.       Okay.

2                   MS. CABALLERO:  Let's go off the  
3  record.

4                   (There was a break taken.)

5                   MS. CABALLERO:  Back on the record.

6           Q.       Do you know what a performance tuner  
7  is?

8           A.       Yes.

9           Q.       What is it?

10          A.       Would be a device that would be able  
11 to change the programming within an electronic  
12 module.

13          Q.       Do you mean an electronic control  
14 module, or ECM?

15          A.       Yes.

16          Q.       Have you also heard that referred to  
17 as an engine control module or ECM?

18          A.       Yes.

19          Q.       For purposes today we're going to use  
20 those two interchangeably; is that clear?

21          A.       Which two?

22          Q.       ECM will refer to engine control  
23 module or electronic control module.  Are you  
24 comfortable with that?

25          A.       Yes.

1 Q. Do you know what a street tuner is?

2 A. Yes.

3 Q. What is a street tuner?

4 A. A street tuner would have been the  
5 brand name or product name of our H&S product  
6 that was only capable of modifying the ECM, but  
7 not to a degree where any emissions components  
8 would be impacted.

9 Q. What type of H&S street tuners are you  
10 referring to?

11 A. I don't -- I don't understand that.

12 Q. Let me rephrase.

13 I asked you to describe what a street  
14 tuner was, and I think you used the term "H&S" in  
15 that response. Could you describe for me any H&S  
16 street tuners.

17 A. Oh, the actual products?

18 Q. Yes.

19 A. Oh, yes. The -- the Mini Maxx and the  
20 XRT-Pro.

21 Q. Is there also one called the Black  
22 Maxx?

23 A. I believe that was discontinued before  
24 the street tuner.

25 Q. What type of device is the Black Maxx?

1 A. Also a tuner.

2 Q. But not a street tuner?

3 A. Street -- no, that would have been a  
4 different product. They would both be the same  
5 thing, essentially modifying ECM but different  
6 product names.

7 Q. So the Black Maxx, Mini Maxx, and  
8 XRT-Pro all modify the ECM; is that correct?

9 A. Correct.

10 Q. Who developed these devices?

11 A. The products were developed by Bully  
12 Dog Technologies, and we, H&S -- "we" meaning  
13 H&S -- developed the particular calibration  
14 that -- the particular changes to the ECM.

15 But as far as the actual product  
16 development, we don't own that hardware or  
17 software, anything to do with that, the actual  
18 hardware. We were only allowed to change the  
19 actual calibrations or those changes to the ECM.

20 Q. What is Bully Dog?

21 A. They are a company in Idaho.

22 Q. How did you first encounter Bully Dog?

23 A. We knew a gentleman by the name of --  
24 oh, David Philips. And if I can go back to a  
25 question of the principals of H&S?

1 Q. Yes.

2 A. There was a short time period where  
3 this David Philips was a principal of H&S, a  
4 small window where we felt we -- he could -- we  
5 needed help managing the company going forward,  
6 but he didn't work out. And he was the  
7 individual that introduced us to the -- the  
8 owners of Bully Dog.

9 Q. Where does Mr. Philips live, if you  
10 know?

11 A. Currently, I do not know.

12 Q. At the time that you met him where did  
13 he live?

14 A. In St. George, Utah.

15 Q. At what time was he a principal of  
16 H&S, approximately?

17 A. Sometime between the 2008 to 2009  
18 period, I believe. I'm fairly certain.

19 Q. What was the reason that he left H&S  
20 Performance?

21 A. End result, personality conflict  
22 between Mr. Hugie and him. Didn't really get  
23 along well.

24 Q. How did you meet Mr. Philips?

25 A. Give me a moment to think about that.

1 Q. Okay.

2 A. I honestly do not recall how we met or  
3 what the circumstances were.

4 Q. Do you know approximately the time  
5 frame when you first met Mr. Philips?

6 A. Would have been within a few months of  
7 him becoming a principal of the company.

8 Q. Do you know how Mr. Philips knew of  
9 Bully Dog?

10 A. He used to be an employee of Bully Dog  
11 at some point, but I wouldn't know the time  
12 frame.

13 Q. Do you know if he worked for them in  
14 Idaho?

15 A. I believe so but...

16 Q. But you met Mr. Philips in St. George,  
17 Utah?

18 A. Correct.

19 Q. What did Mr. Philips suggest to you  
20 about working with Bully Dog?

21 A. He mentioned that he was familiar with  
22 the owners of the company and that he could  
23 potentially obtain use -- or a license of their  
24 hardware.

25 Q. Did H&S Performance ultimately obtain



1 a license of hardware from Bully Dog?

2 A. Yes.

3 MS. CABALLERO: I don't believe I made  
4 a request for that yesterday, so I'd like to  
5 request on the record for all licenses with Bully  
6 Dog at any time.

7 Q. Did you meet in person with the Bully  
8 Dog owners?

9 A. I did.

10 Q. Where did that meeting take place?

11 A. At their facility in Idaho.

12 Q. Can you generally explain the business  
13 relationship between Bully Dog and H&S  
14 Performance.

15 A. Would have been through a licensing  
16 agreement.

17 Q. You testified that Bully Dog was  
18 responsible for technologies in your devices, and  
19 H&S Performance was responsible for the tunes or  
20 calibration; is that correct?

21 A. Correct.

22 Q. What equipment, if any, was used to  
23 develop the tunes or calibration?

24 A. That would probably be more in the  
25 lines of what Bentley, his area is. But

1 generally speaking, laptop computer, occasionally  
2 the -- the OEM scan tools, such as Star Mobile,  
3 TechII. Off the top of my head, that's what I  
4 would understand. But that's not really my  
5 department.

6 Q. Is that equipment, to your knowledge,  
7 located at the South River Road address for your  
8 business?

9 A. I believe so, yes.

10 Q. Were trucks used to develop these  
11 tunes or calibrations?

12 A. Yes.

13 Q. And what types of trucks?

14 A. Diesel trucks between the years of  
15 2007 to, I don't know, '12 to '13 range.

16 Q. Who owns these trucks today?

17 A. They would be various. I believe one  
18 of our first trucks was personally owned by me.  
19 I know that Bentley personally owned maybe one or  
20 two. I believe the company itself owned one or  
21 two of them. But I don't know specifics which  
22 ones were which.

23 Q. Did H&S Performance purchase trucks  
24 for use in developing the tunes and calibrations?

25 A. Specifically I -- I believe that at

1 some point one of the trucks would have been  
2 purchased for testing.

3 Q. Where did H&S Performance acquire the  
4 trucks?

5 A. Various dealerships.

6 Q. Were these dealerships in St. George,  
7 Utah?

8 A. Between St. George and Las Vegas,  
9 Nevada.

10 Q. Okay. I know I already have a  
11 standing request on the record for the records of  
12 sales of these trucks after their ownership by  
13 H&S Performance, so I'm not going to go into that  
14 area.

15 A. Okay.

16 Q. Did you ever contact the manufacturers  
17 of these trucks in the process of developing the  
18 tunes? And when I say "you" I mean H&S  
19 Performance.

20 A. Contact manufacturing?

21 Q. Such as Ford or Dodge?

22 A. For what reason?

23 Q. For potentially modifying --

24 A. Oh, not for warranty or...

25 Q. Not for warranty.

1           A.       Okay. For product development?

2           Q.       For product development.

3           A.       I don't believe that -- again, that  
4 would be more in line of Bentley's -- but to my  
5 knowledge, we've never contacted a manufacturer  
6 for help, because I would assume the answer would  
7 be no.

8           Q.       Did any employees of Bully Dog ever  
9 visit your facility?

10          A.       Yes.

11          Q.       And when was that?

12          A.       Would be various times from -- various  
13 times from '8 -- '8 to '14.

14          Q.       An estimate of how many times they  
15 visited your facility?

16          A.       Oh, I don't know. We became  
17 acquaintances with quite a few employees that  
18 would stop by on family trips or business trips  
19 where conventions in Las Vegas happened  
20 regularly. We saw people stop in for lunch or  
21 whatnot quite regularly.

22          Q.       Just to make clear for the record, you  
23 said between '08 and '14. You mean 2008 and  
24 2014, correct?

25          A.       Oh, correct. I'm sorry.

1 Q. That's fine.

2 Did the owners of Bully Dog ever stop  
3 by your facility?

4 A. I don't recall that the owners  
5 themselves had been to our facility.

6 Q. Do you know who the owners are of  
7 Bully Dog at any time?

8 A. At the time -- it's since been sold --  
9 but at the time, yes.

10 Q. And who are they?

11 A. Three brothers. Last name Klassen,  
12 K-L-A-S-S-E-N.

13 Q. And do you know their first names?

14 A. Michael, Phillip, and Darrell.

15 Q. If you know, do you know who they sold  
16 the company to?

17 A. I don't know the exact entity, but the  
18 other -- another tuning company in our industry,  
19 SCT, it's -- was my understanding of who acquired  
20 Bully Dog.

21 Q. Okay. Do you know if any of the  
22 Klassen brothers still work for Bully Dog?

23 A. I do not. I'm not aware of it. I do  
24 know for sure that Phillip does not, but I don't  
25 know if...

1           Q.       Do you know the details of your  
2 financial arrangements with Bully Dog? And to be  
3 more specific, how much did Bully Dog charge H&S  
4 Performance, if anything, for the information  
5 and/or products they provided to you?

6           A.       The initial licensing agreement had a  
7 initial payment amount, and I believe it was --  
8 wow, that's a while ago -- I believe it was 200-  
9 or 250,000. And then the -- we, I believe, paid  
10 them a couple of times a software maintenance  
11 fee, I believe in the 25- to \$50,000 range. And  
12 then the rest was to be factored into the cost of  
13 the hardware.

14          Q.       Was the software maintenance fee a  
15 one-time payment?

16          A.       I believe it was initially set up in  
17 the contract as an ongoing software maintenance.  
18 But at some point I believe they stopped charging  
19 us that and it was reflected in the cost of the  
20 hardware.

21          Q.       So how many times would you estimate  
22 that they -- would you estimate that that was  
23 paid by H&S Performance to Bully Dog?

24          A.       One to four times. I don't recall  
25 exactly.

1 Q. Regarding the hardware that you  
2 mentioned, Mr. Hugie had testified that Bully Dog  
3 provided you a device that H&S then inserted a SD  
4 card into and was then sold from the H&S location  
5 in St. George; is that correct?

6 A. That's correct.

7 Q. And for each device that you received  
8 from Bully Dog, what did Bully Dog charge you?

9 A. It would -- pricing went up and down.  
10 Trying to think if it was up and down or just up  
11 -- various pricing through the years. But per  
12 device was between 200 and \$600 each.

13 Q. So as an example, at any given point  
14 in time between approximately 2008 and 2014, for  
15 the device they shipped to you, you would pay  
16 them approximately 200 to \$600?

17 A. Yes.

18 Q. So that might be for a Mini Maxx?

19 A. I believe that the price on the Mini  
20 Maxx would have been between 400 and 500. That  
21 range would probably cover that.

22 Q. And the price on the XRT-Pro?

23 A. Would be between 200 and 300.

24 Q. And the price on the Black Maxx?

25 A. Would be the 600 range.

1 Q. Why was the Black Maxx more expensive  
2 than the others?

3 A. A bigger screen.

4 Q. Do you have an estimate on how many  
5 devices Bully Dog shipped to you?

6 A. I -- I don't. I know I provided some  
7 -- some sales history, but off the top of my head  
8 I...

9 Q. All devices that you sold from your  
10 warehouse were -- were acquired from Bully Dog?

11 A. Yes.

12 Q. You've testified that the Mini Maxx  
13 cost approximately 4- to \$500 per device to  
14 acquire from Bully Dog. How much did H&S  
15 Performance sell the Mini Maxx for?

16 A. A range would be from 600 to 800.

17 Q. And the same question for the XRT-Pro.  
18 How much would you sell that for after you had  
19 acquired the device from Bully Dog?

20 A. Between 450 and 600.

21 Q. And the same question for the Black  
22 Maxx. After you acquired it from Bully Dog, how  
23 much did you sell it for out of the H&S  
24 Performance warehouse?

25 A. If I recall correctly, it would have



1 been between 850 and 1100.

2 Q. Did the Bully Dog name appear anywhere  
3 on any of your devices?

4 A. I believe if you opened the device  
5 there -- oftentimes there could have been their  
6 logo on the circuit board. But at some point  
7 that discontinued, and I --

8 Q. Do you know what point that was,  
9 approximately?

10 A. I don't. It kind of was a come-and-go  
11 thing. Sometimes we saw it, sometimes we didn't.  
12 And I don't know why or why not. So it would  
13 have been a difference in manufactures for them  
14 electronically.

15 Q. It wasn't something that H&S  
16 Performance requested to be on the circuit board?

17 A. No.

18 Q. You had no control over whether the  
19 name appeared on the circuit board?

20 A. No.

21 Q. I recently had the opportunity to look  
22 on Amazon.com for H&S products, and they are  
23 available on Amazon.com. And they're closer to  
24 the 1500 to \$2,000 price range, which is quite  
25 different than the price range you've described

1 here. Do you know why that might be?

2 A. I would assume -- I don't know,  
3 because they're not products that I believe that  
4 we sold. So I believe it's a supply and demand  
5 and a -- a counterfeit market that has -- there  
6 could be several reasons why the price. There  
7 could be five levels of distribution. There  
8 could be -- I don't know. We haven't sold that  
9 product in one to two years.

10 So we're under the assumption that  
11 they're counterfeit products, that they're not  
12 products that we sold. So our -- our pricing has  
13 always been the same.

14 Q. Did you sell directly any products on  
15 Amazon.com?

16 A. No.

17 Q. Did you sell your products to  
18 distributors?

19 A. Yes.

20 Q. Did you use a specific distributor for  
21 your products?

22 A. Not one specific.

23 Q. I'll return to that in a little while.

24 Going back to your testimony regarding  
25 counterfeit devices, why do you believe that

1 there are counterfeit H&S Performance devices  
2 available in the market?

3 A. Since 2010 I believe -- 2010 to  
4 2011 -- we were hearing rumors both coming to us  
5 from outside sources as well as our tech  
6 department, that they had reason to believe that  
7 there were counterfeit devices on the market.

8 Namely, because occasionally we would  
9 get a device in for warranty or service that had  
10 signs of a logo being scraped off the bottom,  
11 which would indicate that it was another Bully  
12 Dog device that had been changed over to our  
13 device.

14 We had several of our customers  
15 contact us through that range stating they'd been  
16 contacted by someone claiming to have counterfeit  
17 devices in hundreds -- or thousands that were  
18 available to them. So...

19 Q. Were any of those communications  
20 written communications?

21 A. I would assume somewhere we would have  
22 a written. But off the top of my head, I -- I  
23 don't know.

24 Q. Do you believe you have a file on  
25 counterfeit devices?

1           A.       Not a particular file, no.

2           Q.       Okay.

3                   MS. CABALLERO: I'll make a request on  
4 the record for any information about counterfeit  
5 devices.

6                   THE WITNESS: Yeah, there could --  
7 there's several e-mails that we can definitely  
8 come up with. We had notified Bully Dog of the  
9 counterfeit problem, if they were aware of it.  
10 They seemed that they were aware of it and that  
11 they would take measures within their facility,  
12 or what, to try to prevent that. But ultimately  
13 it kept happening. But there are, I believe,  
14 some e-mails regarding that.

15          Q.       BY MS. CABALLERO: Do you know what  
16 measures that Bully Dog might take to reduce the  
17 counterfeiting issue?

18          A.       Not specifically, no. I don't  
19 understand the technical aspects.

20          Q.       Did they share any of that information  
21 with you about their anti-counterfeit measures?

22          A.       Only that there would be a change --  
23 that they could potentially change the software  
24 somehow to make it more difficult, but I don't  
25 know specifically what those changes would be.

1 Q. You described an arrangement between  
2 H&S Performance and Bully Dog. To your  
3 knowledge, does Bully Dog have that relationship?  
4 Or have they had that relationship with other  
5 companies?

6 A. I'm aware of in -- not anything in  
7 substance that I can prove, but I believe that I  
8 heard the owners talk that there is a Full Tilt  
9 Performance that they also have a licensing  
10 agreement to sell products for big rigs,  
11 over-the-road trucks.

12 Q. Did you say "Full Tilt"?

13 A. Full Tilt Performance, I believe, is  
14 the name of it.

15 Q. You've testified earlier that you're  
16 familiar with the company named PDI --

17 A. Yes.

18 Q. -- in St. George, Utah?

19 To your knowledge, does or did PDI  
20 have any type of business arrangement with Bully  
21 Dog?

22 A. Not that I'm aware of.

23 Q. Do you know where Full Tilt is  
24 located?

25 A. I do not.

1 Q. Do you know of any employees  
2 associated with Full Tilt?

3 A. I do not. I actually -- going back to  
4 that, I do know that at some point in the Bully  
5 Dog, they did sell to a company called Quadzilla  
6 Hardware. And also, now that I mention that,  
7 brought back PPE, they provided hardware to.

8 Q. Does H&S Performance, at this time or  
9 at any time, have a connection with Torque  
10 Technologies?

11 A. No.

12 Q. SCT?

13 A. No -- well, SCT, only by if our  
14 licensing agreement, which technically was  
15 verbally terminated at some point before the  
16 Klassens sold to SCT. So, no, we wouldn't have  
17 any employees from SCT.

18 Q. Can you describe further the verbal  
19 termination by SCT.

20 A. It was -- when they took over, they  
21 just said they weren't going to honor the  
22 licensing agreement going forward and that we  
23 wouldn't be able to buy product anymore.

24 Q. And do you know approximately when  
25 that was?

1 A. Sometime I believe in the 2014 year.

2 Q. Do you know why that was?

3 A. I do not.

4 Q. Does H&S Performance have any type of  
5 business relationship with Spartan?

6 A. No.

7 Q. Smarty/Race Me?

8 A. No.

9 Q. Does H&S Performance have a connection  
10 with FLO-PRO?

11 A. No.

12 Q. Did you have one in the past?

13 A. We had bought, in our early 2007 or '8  
14 to the '10 or '11 range, we had bought exhaust  
15 pipes from FLO-PRO.

16 Q. Do you know where FLO-PRO is located?

17 A. In Canada.

18 Q. Do you know what part of Canada?

19 A. They would be in -- I'm drawing a  
20 blank. It's in Alberta. In Red Deer.

21 Q. Did you say "Red Deer"?

22 A. Red Deer, yes.

23 Q. Were any H&S products shipped to  
24 FLO-PRO in Canada?

25 A. Yes.

1 Q. And what types of products were they?

2 A. To clarify, they have a business  
3 division -- or a company, Red Deer Exhaust,  
4 that's who we're...

5 Q. What types of products are you  
6 shipping to Red Deer Exhaust?

7 A. During the course of business, all --  
8 all of our products.

9 Q. And approximately what time frame were  
10 you shipping your products -- "you" being H&S  
11 Performance -- to Red Deer Exhaust?

12 A. I don't know the start and end, but it  
13 would be between the '9 and '14.

14 Q. Is H&S Performance still shipping  
15 products to Red Deer Exhaust?

16 A. No.

17 Q. Has, at any time, H&S Performance  
18 shipped products to other countries?

19 A. Yes. And to go back on that, I  
20 believe that we did sell Red Deer some various  
21 plastic accessories within the last six months to  
22 a year. We -- we contract out -- subcontract  
23 a -- various plastic devices that house different  
24 electronics within the vehicle, and several of  
25 our competitors actually recommend them for their



1 devices as well. But no -- as far as hardware,  
2 software, anything like that, I don't believe  
3 that we've sold Red Deer since '14.

4 Q. Can you describe the plastic  
5 accessories that you're currently selling to Red  
6 Deer Exhaust.

7 A. Yes. Plastic molded pieces that would  
8 mount some sort of a screen within a vehicle, or  
9 an iPhone. There's several. It's a universal  
10 type of mount to view a device or a screen.

11 Q. I'm going to introduce Hugie  
12 Exhibit 6. Do you recognize this exhibit?

13 A. Looks like a photocopy of our -- of  
14 the Mini Maxx instruction manual.

15 Q. Do you see the picture on the front of  
16 that exhibit?

17 A. Yes.

18 Q. And I'm referring not to the H&S logo,  
19 but to the picture of the Mini Maxx device  
20 itself.

21 A. Okay.

22 Q. Do the plastic accessories that you  
23 currently sell to Red Deer Exhaust look like  
24 that?

25 A. No.

1 Q. How are they different?

2 A. This -- the device that -- the plastic  
3 piece we sell would be something that this would  
4 get attached to, potentially, but is also a  
5 universal that works, like I say, with an iPhone,  
6 or with any number of GPS devices, or whatever.  
7 It's made to be an accessory to view it.

8 Q. So it would essentially be a holder  
9 for the device --

10 A. Correct.

11 Q. -- to connect the device to the car or  
12 truck?

13 A. Yeah, correct.

14 Q. And it's a plastic-only component?

15 A. Yeah. As far as what devices -- or  
16 what we have sold them, I'm just trying to think  
17 back what -- what we -- and specifically what  
18 time frame are we talking?

19 Q. Today.

20 A. Oh, today. Yeah. The plastic devices  
21 would be the last thing we sold them. Give me a  
22 second. I'll think if there's other components  
23 or pieces we may have sold them.

24 As far as in the last couple of  
25 months, I believe that's all that -- yeah, that

1 would -- to my knowledge, that's all it would  
2 have been.

3 Q. So when you described this plastic  
4 accessory, it would have no electronic portion to  
5 it? No hardware? No software?

6 A. No.

7 Q. You testified that you shipped devices  
8 to other countries. Are they to distributors?

9 A. I don't recall specific distributors.  
10 We have shipped -- I guess going back, are you  
11 referring to outside of Canada? Or just outside  
12 of U.S.?

13 Q. I'm referring to a country other than  
14 Canada or the United States.

15 A. Okay. I don't recall that we have  
16 distributors set up in countries outside of those  
17 two. However, we do have stocking dealers, and I  
18 guess distributor. The definition could probably  
19 vary based on -- I consider distributor just as a  
20 price level.

21 Q. So this stocking dealer, in what  
22 countries are they located?

23 A. Off the top of my head, I really  
24 probably couldn't say. I know there's several  
25 countries that customers would buy 10 to 20 to 50

1 at a time. Just -- of what I vaguely remember,  
2 couple of countries in South America, there's a  
3 company in the Middle East, there's a company in  
4 Australia, in Iceland.

5 We -- I believe we shipped products --  
6 I know we shipped products for the -- couple of  
7 branches of the government. Military, outside of  
8 the U.S. I don't know if it was --

9 Q. I'm not interested in the military  
10 applications.

11 A. Okay.

12 Q. What types of devices have you shipped  
13 to these countries? "Have you," being H&S  
14 Performance, shipped to these countries?

15 A. Would be the Black Maxx, Mini Maxx,  
16 XRT-Pro.

17 Q. Can you provide an estimate of how  
18 many devices you believe were sold to individuals  
19 and countries other than Canada?

20 A. Not off the top of my head. I don't  
21 believe that --

22 Q. How about order of magnitude?  
23 Thousands? Hundreds of thousands?

24 A. I don't know the breakdown. I really  
25 wouldn't be comfortable guessing on that.

1 Q. Are you -- is H&S Performance still  
2 engaged in selling devices to individuals in  
3 these other countries today?

4 A. No.

5 Q. When did H&S Performance stop selling  
6 these devices to individuals?

7 A. Sometime fourth quarter -- sometime in  
8 the fourth quarter of 2014.

9 Q. Is H&S Performance currently shipping  
10 or have they shipped to any customers in Canada,  
11 other than Red Deer Exhaust?

12 A. Yes. Sorry, previously shipped to?

13 Q. Yes.

14 A. Yes.

15 Q. And do you know who those individuals  
16 are?

17 A. There would be probably hundreds.

18 Q. Are these bulk shipments? Or  
19 individual devices?

20 A. Mainly bulk shipments.

21 Q. Does H&S Performance have any legal  
22 entities that it's associated with in Canada?

23 A. No.

24 Q. I'm going to turn to Exhibit 35 on the  
25 Hugie deposits. I'm introducing that exhibit to

1 you. Could you take a look at it, please.

2 A. Okay.

3 Q. Do you recognize this exhibit?

4 A. I have seen this before, but as far as  
5 a blank one. But I -- I recognize that it's a --  
6 some type of form for -- for importing products,  
7 I would assume.

8 Q. Yes. And I represent to you that it's  
9 a form from Customs and Border Protection, Form  
10 7501, that is used for importing goods into the  
11 United States.

12 At any time has H&S imported goods  
13 into the United States?

14 A. Yes.

15 Q. What type of goods?

16 A. SD cards. USB cables. On those  
17 lines, various -- just computer cables, along  
18 with the USB cables.

19 Q. To your knowledge, is any legal entity  
20 associated with H&S importing any of the H&S  
21 Performance devices to the United States?

22 A. Not as far as I'm aware of or we're  
23 affiliated with.

24 Q. Do you know whether Red Deer Exhaust  
25 is importing H&S devices to the United States?

1           A.           I'm not aware of.

2           Q.           So you've never used this form to  
3 import any H&S devices into the United States?

4           A.           I have not. I would assume that  
5 during the '9 to '13 period that Red Deer -- and  
6 again, I'm assuming that they would have imported  
7 or sold H&S products that they were purchasing to  
8 other countries, I would assume.

9           Q.           Did those countries include the United  
10 States?

11          A.           I would assume.

12          Q.           So why would H&S have a business  
13 arrangement where you would sell your products to  
14 Red Deer Exhaust and then Red Deer Exhaust would  
15 resale those products to customers in the United  
16 States?

17          A.           That I -- you would have to ask them.  
18 I don't know, other than they are just a  
19 distributor. So I know that U.S. companies  
20 distribute to Canada, Canada companies distribute  
21 to the U.S., and it's more of a -- just a  
22 distributor company battle, basically, of who's  
23 going after what customers and...

24          Q.           Were you aware that Red Deer Exhaust,  
25 if you know, was reselling your devices in the

1 United States?

2 A. Not specifically.

3 Q. You had no verbal or written  
4 communications with them regarding their  
5 potential resale of H&S devices in the United  
6 States?

7 A. We had a verbal and a possible -- I  
8 believe something is written. I would have to  
9 find to verify. But there was a verbal at the --  
10 sometime between the -- the '11 to '14 year,  
11 there was a verbal of -- they had agreed not to  
12 distribute -- distribute our products back into  
13 the U.S., but I assume before that it -- that  
14 they would have during the normal course of  
15 business.

16 Q. Was there any other company similar to  
17 Red Deer Exhaust that you had verbal  
18 communications with -- "you" being H&S  
19 Performance -- regarding distribution of products  
20 that H&S Performance had provided that company  
21 back to the United States?

22 A. Sorry, I -- can you rephrase?

23 Q. Let me rephrase.

24 A. I kind of got lost.

25 Q. As you can guess, we are very



1 interested in parties in other countries who may  
2 be reselling H&S products in the United States.

3 Are you aware of any other company,  
4 other than Red Deer Exhaust, who may be engaged  
5 in that type of business?

6 A. Just to be specific, I'm not aware  
7 that Red Deer is --

8 Q. At any time?

9 A. At any time. Okay.

10 Not specifically. There -- they were  
11 one of many distributors in the Canada area, so I  
12 -- I don't know whether or not they would sell to  
13 the U.S., or not sell to the U.S., or if they  
14 were strictly Canadian companies or...

15 Q. If you know, when Red Deer Exhaust  
16 resold products from H&S in the United States,  
17 were they at a discount to the price that H&S  
18 sold it for in the United States?

19 A. We had a price policy that we -- we  
20 couldn't legally enforce, but we recommended that  
21 all the distributors sell at the same price. So  
22 we -- we don't have any indication that that was  
23 different, so it would not be able to discount  
24 the price based on what our price recommendations  
25 were.

1           Q.       To the best of your knowledge, why  
2 would Red Deer Exhaust purchase a product from  
3 you, ship it to Canada, and then ship it back to  
4 the United States if there was no difference in  
5 price, if someone could have acquired it in the  
6 United States for the same price?

7           A.       I don't know, other than several  
8 distributors offer perks, such as vacation trips  
9 and rewards. Basically a rewards program for  
10 purchasing so many dollars with a certain  
11 distributor. So I know there was that type of  
12 thing that was going on between the distributors.

13          Q.       You testified that H&S Performance had  
14 imported SD cards and USB cables into the United  
15 States for business purposes. Were any  
16 automotive-related parts also imported?

17          A.       When we purchased the exhaust from  
18 FLO-PRO back between the years that I said -- I  
19 don't remember -- but those would have been  
20 imported. But I believe on a NAFTA, I've never  
21 seen that form. And when we imported SD cards,  
22 cables, and etc., we used a broker. So I never  
23 even really saw paperwork. They just kind of  
24 showed up.

25          Q.       Do you know the name of the broker?

1           A.       I don't.

2           Q.       You had testified that you're  
3 currently selling plastic mold pieces to Red Deer  
4 Exhaust. Where are those?

5           A.       Within the last six months, yes. I  
6 don't know the date of when they may have -- may  
7 or may not have bought some.

8           Q.       Regarding those pieces --

9           A.       Yes.

10          Q.       -- does H&S Performance manufacture  
11 them themselves?

12          A.       No.

13          Q.       Where do you acquire them?

14          A.       Various places. One company is in  
15 Hurricane, Utah. We call it HERIKUN.

16          Q.       And they manufacture the plastic  
17 pieces --

18          A.       Yes.

19          Q.       -- at the Hurricane, Utah, location?

20          A.       Yes. And there's also a company in --  
21 I don't know the state, somewhere back east --  
22 that also manufactures those parts that we  
23 purchase.

24          Q.       Did H&S Performance have a  
25 relationship with Diamond Eye Exhaust?

1           A.       At one point we did purchase exhaust  
2 pipes from Diamond Eye, but it was a -- I believe  
3 a one order purchase from them and that was all.

4           Q.       Do you know when that was?

5           A.       Not specifically, but I believe  
6 between the 2010 to 2012 range.

7           Q.       Do you know why there was only one  
8 order shipped -- or provided by Diamond Eye?

9           A.       Not specifically. I'd have to think  
10 of what the reasoning was. I know that we  
11 personality clashed a little bit with their owner  
12 and just didn't want to order from them anymore.

13          Q.       Where is Diamond Eye Exhaust located,  
14 if you know?

15          A.       I believe they're in Washington state.  
16 And to go along with that -- I would have to  
17 refresh myself on the time frame -- but I believe  
18 that is when we discontinued any type of selling  
19 of pipes or that type of equipment. And that  
20 could have been the ultimate reason of why we  
21 only did one order, but I would have to look at  
22 the time frame.

23          Q.       Okay. You've testified regarding  
24 several devices that H&S manufactures and sells.  
25 Can you describe the function of the H&S Mini

1 Maxx.

2 A. As far as the manufacturing? I guess  
3 I'm just trying to --

4 Q. Let me rephrase.

5 H&S sells a device entitled "Mini  
6 Maxx," correct?

7 A. Uh-huh.

8 Q. What is the purpose of that device?

9 A. That device would be to modify  
10 calibrations within an ECM.

11 Q. H&S also sells a device entitled the  
12 "H&S Black Maxx." What is the purpose of that  
13 device?

14 A. To also modify calibrations within the  
15 ECM.

16 Q. And H&S also sells a device entitled  
17 the "XRT-Pro Performance Tuner." What is the  
18 purpose of that device?

19 A. Also to modify calibrations within the  
20 ECM.

21 Q. Do you know what the acronym "OEM"  
22 stands for?

23 A. I believe it's original equipment  
24 manufacturer.

25 Q. Do you know what is an on-board

1 diagnostic system?

2 A. Yes.

3 Q. And what is it?

4 A. The system that would alert the -- the  
5 driver to potential issues with the -- with the  
6 vehicle.

7 Q. Are there diagnostic trouble codes  
8 associated with the on-board diagnostic system?

9 A. Yes.

10 Q. What types of diagnostic trouble codes  
11 might be associated with the OBD? Let's call it  
12 that for short. Is it okay if we call it the  
13 OBD?

14 A. Sure.

15 Q. What type of trouble codes might be  
16 associated with the OBD?

17 A. Would be various. Anything from  
18 engine -- engine performance, to a brake light  
19 being out, to basically anything outside of the  
20 normal operating range, I believe, would come up  
21 with a DTC.

22 Q. And when you say "DTC," you mean the  
23 diagnostic trouble codes?

24 A. Correct.

25 Q. Do you know what a dashboard

1 malfunction indicator light is?

2           A.       To the best of my knowledge, I believe  
3 that's just the -- the -- commonly referred to as  
4 the check engine light, if I'm correct. But I --  
5 that's my assumption.

6           Q.       Do H&S devices affect the on-board  
7 diagnostic system, or the OBD?

8           A.       Certain calibrations would affect  
9 that.

10          Q.       How would they affect it?

11          A.       For the portion of software that would  
12 allow for emissions modification or removal,  
13 there would have to be certain DTCs that somehow  
14 would be turned off.

15          Q.       So the H&S device would prevent the  
16 OBD from storing the DTC?

17          A.       On certain calibrations.

18          Q.       Would the H&S device prevent the OBD  
19 from displaying certain dashboard malfunction  
20 indicator lights?

21          A.       Yes, on certain calibrations it would.

22          Q.       Do you know what DPF stands for?

23          A.       Diesel particulate filter.

24          Q.       Do you know the purpose of the diesel  
25 particulate filter?

1 A. To catch emissions.

2 Q. Can you explain what is meant by  
3 removal of the DPF, or diesel particulate filter.

4 A. That would be -- I guess my  
5 interpretation would be to remove that and in  
6 place of it a -- a -- just a pipe.

7 Q. Do you know the acronym "SCR"?

8 A. I know it's --

9 Q. Is it selective catalytic reduction?

10 A. Yes, I would agree with that.

11 Q. Do you know the purpose of SCR?

12 A. I know it's emissions related and it's  
13 sprayed into the exhaust, but the -- the  
14 technical aspects of it I don't know.

15 Q. Is it to address emissions of nitrogen  
16 from an engine?

17 A. I'm not specifically aware.

18 Q. Can you explain what it means to  
19 remove the SCR.

20 A. To my knowledge, it would be there's  
21 some type of injector, or some type of -- some  
22 way to spray the SCR into the exhaust so it would  
23 be in unison generally with the -- removing the  
24 DPF to just put a pipe in its place.

25 Q. So SCR removal would involve



1 eliminating or minimizing the purpose of SCR  
2 itself?

3 A. Correct.

4 Q. Do you know what EGR stands for?

5 A. Exhaust gas recirculation.

6 Q. Do you know the purpose of EGR?

7 A. Again, I know emissions -- to reduce  
8 emissions, but I don't know to what specific  
9 extent.

10 Q. Can you explain what it means to  
11 remove the EGR.

12 A. Would be to physically remove the  
13 hardware.

14 Q. Can you describe how H&S devices would  
15 affect the ECM.

16 A. That's a pretty broad -- I guess can  
17 you be more specific?

18 Q. Sure. Could they affect the DPF?

19 A. In certain calibrations.

20 Q. Could they affect the SCR?

21 A. Certain calibrations, yes.

22 Q. Could they affect the EGR?

23 A. Yes, on certain calibrations.

24 Q. Do you know what it means to disable  
25 the EGR?

1           A.       I would assume that that would be to  
2 modify the code within the ECM that would either  
3 bypass or not make the EGR work.

4           Q.       Do H&S devices modify a code to  
5 disable the EGR?

6           A.       In certain calibrations.

7           Q.       Does H&S undertake any emission  
8 testing of its vehicles?

9           A.       No.

10          Q.       Does H&S undertake any emissions  
11 testing at any time?

12          A.       We did have some California tests done  
13 on a couple of products, but I don't specifically  
14 know which -- which products.

15          Q.       Do you know which type of tests were  
16 performed by H&S?

17          A.       It would have been one of the  
18 electronic programmers, and I believe that it was  
19 a -- here we go again -- a dynamometer test. I  
20 don't know the specifics because it was performed  
21 by a third-party company in California, but I do  
22 know that it was over the course of a couple of  
23 days they -- they did some testing.

24          Q.       Do you know the name of that third  
25 party?

1           A.       I would have it at -- in my e-mail,  
2 but I don't know the specific name.

3           Q.       Do you know when that was performed?

4           A.       Sometime between '12 and '13, I  
5 believe.

6                   MS. CABALLERO: I'd like to make a  
7 request on the record for the third party who  
8 performed the California tests, and the type of  
9 tests that were performed, and the amount of  
10 money paid to the third party for that work.

11          Q.       Have you ever read an EPA emission  
12 control information label?

13          A.       I don't know what that is.

14          Q.       Have you ever seen a label on the  
15 truck engine of any truck at H&S Performance?

16          A.       Not specifically. Oh, so you're  
17 talking about, like, sometimes they're in the  
18 door jam, or the hood, or somewhere that would  
19 say that this -- this vehicle has a pollution  
20 control device?

21                   I've seen something along those terms  
22 on vehicles, but not specifically any one  
23 vehicle. I just know that at some point in my  
24 career of working on vehicles I have seen --

25          Q.       Have you ever seen one on H&S

1 Performance vehicles?

2 A. Not specifically, no.

3 Q. So you've never seen a label on the  
4 truck engine that would identify the emission  
5 control technology?

6 A. No.

7 Q. Okay. I'm going to show you what has  
8 been marked as Hugie Exhibit 2, Hugie Exhibit 3  
9 -- let me move these other exhibits -- Hugie  
10 Exhibit 4, and Hugie Exhibit 5. Why don't you  
11 take a look at those exhibits for a minute.

12 A. Okay.

13 Q. Okay. Do you recognize Hugie  
14 Exhibit 2?

15 A. Yes.

16 Q. And what is it?

17 A. A request for information.

18 Q. From the Environmental Protection  
19 Agency dated July 20th, 2011?

20 A. Yes.

21 Q. And did H&S Performance respond to  
22 that request --

23 A. Yes.

24 Q. -- for information?

25 A. Yes.

1           Q.       And are those responses in Hugie  
2 Exhibits 3, 4, and 5?

3           A.       They appear to be our responses, yes.

4           Q.       Turning to Exhibit 4. Did you  
5 personally provide some or all of the information  
6 in Exhibit 4?

7           A.       Yes.

8           Q.       And what is Exhibit 4?

9           A.       Exhibit 4 is -- appears to be the --  
10 the sales history.

11          Q.       Of the items sold by H&S Performance  
12 during the time frame --

13          A.       Yes.

14          Q.       -- 2010-2011?

15          A.       Yes.

16          Q.       Turning to Page 2, Exhibit 4. If you  
17 would look at the top highlighted section.

18          A.       Okay.

19          Q.       There are particular products  
20 identified there. For example, on the first line  
21 it says the "Black Maxx Race Tuner."

22          A.       Yes.

23          Q.       You previously testified that's a  
24 device that H&S sells. Is the purpose of the  
25 Black Maxx Race Tuner, as identified here on

1 Exhibit 4, to reprogram the vehicle's ECM for  
2 added power?

3 A. Just reprogram. Added power would be,  
4 yes, one of the reasons.

5 Q. Are there other reasons?

6 A. There's various other computers that  
7 -- that the tuner can interact with for various  
8 reasons to change the way, say, that the  
9 navigation system looks, or the way that the --  
10 it would perform functions similar to what a  
11 dealership would to be able to adjust -- to  
12 correct for different size tires -- for various  
13 reasons.

14 Q. And, again, drawing your attention to  
15 the second page of Exhibit 4, under the column  
16 "Application," is the application of the Black  
17 Maxx Race Tuner for various commercially  
18 available trucks?

19 A. Yes.

20 Q. And I think you can see that part of  
21 that is cut off in the spreadsheet there for  
22 Dodge Ram trucks?

23 A. Yes, that would be the first one  
24 listed.

25 Q. And what other types of trucks?

1           A.       Ford, Dodge Ram, GM Duramax, and Ford  
2 Powerstroke.

3           Q.       And turning to the second row on  
4 Page 2 of Exhibit 4, looking at the same  
5 information for the Mini Maxx Race Tuner -- the  
6 product that H&S sells -- its purposes is to  
7 reprogram the vehicle's ECM for added power?

8           A.       Yes, that's correct.

9           Q.       Are the other purposes as you've just  
10 testified to for the Black Maxx?

11          A.       Yes.

12          Q.       And the application of the Mini Maxx  
13 Race Tuner device is for the Dodge Ram truck; is  
14 that correct?

15          A.       Yes. They would be the same  
16 applications.

17          Q.       So for the Dodge Ram, the GM Duramax,  
18 and the Ford Powerstroke --

19          A.       That's correct.

20          Q.       -- is that correct?

21                   And turning to Row 3, Exhibit 4,  
22 Page 2. For the XRT-Pro device sold by H&S, is  
23 the purpose to reprogram the vehicle ECM for  
24 added power?

25          A.       Yes.

1 Q. As well as the other purposes you've  
2 described previously for the Mini Maxx and the  
3 Black Maxx?

4 A. Correct.

5 Q. And is the application of this device  
6 for the Dodge Ram truck?

7 A. Yes.

8 Q. As well as the GM Duramax and the Ford  
9 Powerstroke trucks?

10 A. Correct.

11 Q. Okay. We're finished with Exhibit 4.

12 Is Exhibit 4 a complete and accurate  
13 representation of what H&S Performance provided  
14 to EPA in their August 20th, 2011, information  
15 response?

16 A. Yes.

17 Q. Turning to Exhibit 5. Do you  
18 recognize this exhibit?

19 A. Yes. It appears to be a detailed  
20 breakdown of Exhibit 4.

21 Q. Did you assist in providing the  
22 information for this exhibit at the time --

23 A. Yes.

24 Q. -- that H&S provided it to EPA?

25 A. Yes.



1 Q. Turning to Page 66 of Exhibit 5.

2 A. Uh-huh.

3 Q. It's marked by a green tab.

4 A. Okay.

5 Q. On Page 66 there are, at the bottom, a  
6 number of items identifying the Black Maxx Race  
7 Tuners, and then the customer name is a separate  
8 column. Is Pypes Performance Exhaust a customer  
9 that the Black Maxx Race Tuner would have been  
10 sold to?

11 A. Yes.

12 Q. Is this how this was generated, from  
13 the sale of H&S Performance devices?

14 A. Correct.

15 Q. H&S also sold the Black Maxx to Rollin  
16 Smoke Diesel?

17 A. Correct.

18 Q. And Extreme Diesel Performance?

19 A. Correct.

20 Q. And Diesel Performance Parts?

21 A. Correct.

22 Q. And then on the far right, the  
23 quantity is identified for the sales to each one  
24 of these customers?

25 A. That's correct.

1 Q. To your knowledge, is there any  
2 connection between Extreme Diesel Performance  
3 listed on Page 66 as a customer of the Black Maxx  
4 Race Tuner, and Extreme Accessories, a company  
5 that Mr. Hugie previously worked for?

6 A. No. I don't believe they're any way  
7 related.

8 Q. Moving on to Page 70 of Exhibit 5.

9 A. Okay.

10 Q. I'm looking at the bottom half of  
11 Page 70. There is a -- a number of items  
12 associated with a Mini Maxx Race Tuner which is  
13 sold by H&S Performance. Did H&S sell the Mini  
14 Maxx Race Tuner to Premiere Performance Products  
15 as identified --

16 A. Yes.

17 Q. -- on Page 70?

18 A. Yes.

19 Q. And the number of items sold to  
20 Premier Performance Products would be on the  
21 right-hand side in the column?

22 A. Correct.

23 Q. So two -- one item was sold by H&S  
24 Performance to Premiere Performance Products on  
25 approximately June 21st of 2010?

1           A.       That's correct.

2           Q.       And that item was the Mini Maxx Race  
3 Tuner?

4           A.       Correct.

5           Q.       Did H&S Performance also sell devices  
6 to Jones Diesel Service?

7           A.       Yes.

8           Q.       And Diesel Performance Parts?

9           A.       Yes.

10          Q.       Do you know where Diesel Performance  
11 Parts is located?

12          A.       I believe they are in Nashville,  
13 Tennessee.

14          Q.       Do you know where Premier Performance  
15 Products is located?

16          A.       In Rexburg, Idaho.

17          Q.       Do you know where Rollin Smoke Diesel  
18 is located?

19          A.       Somewhere in Indiana.

20          Q.       Do you know where Extreme Diesel  
21 Performance is located?

22          A.       I believe New Jersey.

23          Q.       Moving on to Page 82 of Hugie

24 Exhibit 5. Are these the sales of the XRT-Pro

25 Downloader --

1 A. Yes.

2 Q. -- identified here?

3 And many of those were sold to Premier  
4 Performance Products in 2010?

5 A. Yes.

6 Q. Where did you say Premiere Performance  
7 Products was located?

8 A. In Idaho.

9 Q. To your knowledge, is there any  
10 affiliation between Premiere Performance Products  
11 and Bully Dog or SCT?

12 A. I believe that they do distribute many  
13 brands, including those. But that would be the  
14 extent of my knowledge.

15 Q. Is Hugie Exhibit 5 a complete and  
16 accurate representation of the sales by H&S  
17 Performance of their devices between January 1st,  
18 2010, and July 20th, 2011?

19 A. Yes.

20 Q. Okay. We are finished with those  
21 exhibits. We can put them to the side.

22 Turning back to Exhibit 6 of Hugie.  
23 You've previously testified that you recognize  
24 this as the installation manual for the Mini  
25 Maxx?

1 A. Yes.

2 Q. Do you know what year this  
3 installation manual would have been created?

4 A. I do not.

5 Q. Is it approximately the 2010 or 2011  
6 time frame?

7 A. I -- the only estimation I would have  
8 on this would be the '10 to '14 range.

9 Q. Okay. Turning to Page 37 of Hugie  
10 Exhibit 6. Do you recognize this page?

11 A. Not specifically, but I...

12 Q. Can you describe what it generally is.

13 A. It looks to be describing the -- the  
14 power levels for a 2010 to 2011 6.7 liter Dodge  
15 Cummins.

16 Q. That's a product that the Mini Maxx  
17 could be used for?

18 A. Yes.

19 Q. Okay. Looking under the "Power  
20 Levels" portion of Page 37, it says, "DPF  
21 present." And then skipping down to the next box  
22 says, "Power Levels DPF Removed."

23 Is there a distinction between the  
24 power levels at the DPF present and the DPF  
25 removed?

1           A.       Yes, the power levels are different.

2           Q.       And when it says "DPF removed," does  
3 that mean that the diesel particulate filter has  
4 been removed from the vehicle?

5           A.       Yes.

6           Q.       According to the narrative of the  
7 installation manual, it appears that H&S offers  
8 tuning that allows the DPF to either be left in  
9 place or removed completely; is that correct?

10          A.       Yes.

11          Q.       Moving on to Page 38 of Hugie  
12 Exhibit 6. Under the topic "2011 Cab & Chassis  
13 UREA System."

14          A.       Uh-huh.

15          Q.       Does the UREA system need to be  
16 unplugged when the DPF removed tuning is  
17 selected?

18          A.       Yes.

19          Q.       If the UREA system is not unplugged,  
20 would there be effect on the diagnostic trouble  
21 codes or lights on the dashboard?

22          A.       I would not be familiar with that part  
23 of the product or the instructions.

24          Q.       But the instructions do say that:  
25 "Failure to unplug the UREA system

1                   may result in a check engine light  
2                   and/or dash messages."

3           A.       Okay. Yeah, sorry. Reading it, yes.

4           Q.       Okay. Turning the page to Page 39.

5   Regarding the topic at the top, "EGR  
6   Unplug/Delete." Can the entire EGR system be  
7   removed with an H&S EGR delete kit?

8           A.       Yes.

9           Q.       And what is an EGR delete kit?

10          A.       It would be a -- a kit or a method of  
11   removing the physical EGR components.

12          Q.       Is that a separate kit that H&S might  
13   sell?

14          A.       At one point H&S did sell a kit.

15          Q.       And would that kit work in conjunction  
16   with the tuner to remove the emissions control?

17          A.       Yes.

18          Q.       We are finished with Exhibit 6.

19          A.       Okay.

20          Q.       Okay. We're going to turn to some of  
21   the software that H&S develops.

22                   When H&S Performance would acquire  
23   hardware from Bully Dog, I believe you testified  
24   that H&S would insert a DS card into the  
25   hardware; is that correct?

1           A.       That's correct.

2           Q.       And the SD card contains the device  
3 software; is that correct?

4           A.       Contained the calibrations.

5           Q.       Did H&S protect the calibrations in  
6 any way from the hacking of others?

7           A.       I don't know that end of it. So...

8           Q.       Are you aware of any encryption  
9 protections for the calibrations?

10          A.       I believe that there are encryption on  
11 the calibrations. But, again, I'm -- I'm kind of  
12 guessing on that one. That wasn't my end of it.

13          Q.       Are you currently providing technical  
14 support for any of your products?

15          A.       No.

16          Q.       Did you provide technical support for  
17 your products in the past?

18          A.       Yes.

19          Q.       Are those the individuals that you  
20 previously identified who worked in the tech  
21 support division -- or department at H&S  
22 Performance?

23          A.       Yes.

24          Q.       Okay. What is the H&S tech line?

25          A.       It would be the phone number to reach



1 our technical support.

2 Q. Is that the 1.888.628.1730 number?

3 A. Yes.

4 Q. And that number would be staffed by  
5 the employees you previously identified?

6 A. That number would go to just our  
7 general phone system that they could then be  
8 directed to various departments.

9 Q. So there wasn't a dedicated staffing  
10 of that number when someone called that number  
11 directly?

12 A. Not that particular number. There was  
13 staffing for a option that they could select for  
14 technical support.

15 Q. How often was technical support  
16 available for folks who called in to the H&S tech  
17 line?

18 A. What do you mean "how often"?

19 Q. Was it a 9:00 to 5:00 operation?

20 A. Sorry, I didn't understand.

21 Yeah, I believe at some point between  
22 the -- those years that we had technical support  
23 it would have been 8:00 to 5:00 or 9:00 to 5:00.

24 Q. And was technical support available on  
25 the weekends?

1           A.       Occasionally our technical support  
2 guys would respond to e-mails, but no phones.

3           Q.       So exactly when was tech support  
4 available for H&S products?

5           A.       Either 8:00 to 5:00 or 9:00 to 5:00,  
6 depending on the time frame.

7           Q.       In what chronological time frame  
8 year-wise? When did you initiate the H&S tech  
9 support?

10          A.       We had technical support from the time  
11 we first started selling the -- the hardware.  
12 The XRT would have been the first one that we  
13 initially sold, but myself or Mr. Hugie would  
14 have been the one answering the technical support  
15 questions at that time.

16          Q.       And approximately what year was that?

17          A.       2008.

18          Q.       Okay. And when did you specifically  
19 stop offering technical support?

20          A.       Between the -- sometime of the range  
21 of third to fourth quarter of 2014.

22          Q.       And why did you stop offering  
23 technical support?

24          A.       Two reasons: We -- well, three  
25 reasons: We weren't selling any product anymore

1 to warrant it, and we hadn't for more than a  
2 year, which would have taken care of the warranty  
3 period on the products we sold. We couldn't  
4 afford to pay them.

5 And there was enough evidence of  
6 counterfeit products that were calling us for  
7 technical support that we weren't going to pay  
8 somebody to support a counterfeit product.

9 Q. When was the last time you sold an H&S  
10 device for use in the United States?

11 A. Would have been sometime in the range  
12 of fourth quarter of '13, give or take a month or  
13 two.

14 Q. Okay. And what devices were those, to  
15 your knowledge?

16 A. What we sold?

17 Q. Yes.

18 A. Would have been XRT-Pro and/or Mini  
19 Maxx.

20 Q. Okay. And were those sales to  
21 distributors?

22 A. Yes.

23 Q. Did you have software updates on the  
24 XRT-Pro, Mini Maxx, and Black Maxx?

25 A. Yes, software updates were available

1 via our website.

2 Q. And how often did you have separate  
3 software updates?

4 A. That I honestly have no idea. That  
5 was Bentley.

6 Q. Mr. Hugie testified that sometimes the  
7 H&S tech line would receive 500 calls a day, on  
8 average. Was that --

9 A. I would say that would have been the  
10 busiest of the busy.

11 Q. Say that again, please.

12 A. The busiest of the busy. That would  
13 have been the top number. I think that it's hard  
14 to say on average, because some days we're ten  
15 and some days may have been 100 to 200.

16 Q. But you would agree that at some point  
17 the tech line may have received approximately 500  
18 calls a day?

19 A. I believe there was one day that there  
20 was 500 calls, possibly. And that's an  
21 estimation.

22 Q. Did H&S Performance contact customers  
23 for software updates?

24 A. I don't believe specifically, no. My  
25 understanding of it was just that it was

1 available online and...

2 Q. So if someone believed there was an  
3 update available for their device, they would  
4 look at your website -- at the H&S Performance  
5 website?

6 A. Correct.

7 Q. Does H&S currently have a license to  
8 share intellectual property with anyone?

9 A. No.

10 Q. Has it had such a license in the past?

11 A. Not that I'm aware of.

12 Q. Does H&S today, or at any time, have  
13 any contracts for work with anyone else?

14 A. No.

15 Q. Does H&S, at this time or at any time,  
16 formally or informally, consulted with anyone  
17 regarding your devices that you offered for sale?

18 A. Can you --

19 Q. Sure. Let me break that down for you.

20 H&S offered a number of different  
21 devices for sale. As you know, there are similar  
22 products on the market. Has H&S ever consulted  
23 with anyone, to your knowledge, with anyone  
24 regarding those types of products?

25 A. Not to my knowledge. Other than Bully

1 Dog.

2 Q. Okay. Do you receive phone calls from  
3 others in the industry regarding your products on  
4 an informal basis?

5 A. No, not -- not specifically. You  
6 know, I'm acquaintances with several people in  
7 the industry, but I don't believe we've ever...

8 Q. Mr. Hugie testified that there are a  
9 number of individuals who will call him regarding  
10 their devices, I believe because of his technical  
11 expertise. Do you receive similar calls?

12 A. I don't. I'm not -- not on the  
13 technical aspects.

14 Q. Do you know when H&S last received a  
15 shipment of devices from Bully Dog or SCT?

16 A. Give me a minute to think about the  
17 time frame. Sometime in the 2014 year.

18 Q. Approximately when in 2014?

19 A. I believe the -- between the first and  
20 third quarter, but I don't recall exactly.

21 Q. Can you confirm the date when SCT or  
22 Bully Dog verbally informed H&S Performance that  
23 they would no longer honor the licensing  
24 agreement with H&S Performance?

25 A. It was similar to that -- the question

1 before of, you know, the first or the third  
2 quarter of '14.

3 Q. Are you familiar with the phrase  
4 "custom tunes"?

5 A. Yes.

6 Q. Can you describe them.

7 A. It would be a generalized industry  
8 term of someone outside of the company that's  
9 selling the device, changing the calibration code  
10 to their specific needs.

11 Q. Does H&S Performance provide or have  
12 they provided customer tunes -- custom tunes?

13 A. We provided a method for the user to  
14 do a custom tune, but we've not built custom  
15 tunes.

16 Q. How was that method provided?

17 A. Laptop or a PC software that allows  
18 them to change or edit certain portions of the  
19 ECM code.

20 Q. How did customers acquire that  
21 information that you've just described?

22 A. The software?

23 Q. Yes.

24 A. The software is available for download  
25 on our website.

1 Q. Is it your practice to have H&S  
2 employees sign confidentiality agreements?

3 A. No.

4 Q. Has anyone at H&S, to your knowledge,  
5 ever signed a confidentiality agreement with H&S?

6 A. Not that I'm aware of.

7 Q. We mentioned previously that there  
8 were sales on Amazon. There's also sales of  
9 devices of H&S products on eBay. Is H&S  
10 Performance in control of any sales on eBay?

11 A. No.

12 Q. There's a number of exhibits that I'm  
13 going to show you this afternoon from your  
14 website and other online locations, but I'm going  
15 to skip that for right now.

16 To your knowledge, what is the legal  
17 form of H&S Performance?

18 A. LLC, I believe.

19 Q. And that stands for limited liability  
20 company?

21 A. Correct.

22 Q. What is the name of H&S Performance  
23 for tax purposes?

24 A. I believe H&S Performance, LLC.

25 Q. Are you aware what forms H&S



1 Performance files with the IRS?

2 A. I believe we are a LLC filing as an  
3 S-corp.

4 Q. Do you believe you file a 1120?  
5 That's a corporate tax return.

6 A. I'm not aware.

7 Q. Does H&S pay estimated taxes?

8 A. I believe so, yes.

9 Q. Do you have assistance in filing the  
10 H&S Performance tax returns?

11 A. Yes.

12 Q. Who provides that assistance?

13 A. Lori Anderson. She would -- she would  
14 be paying the estimated, things like that. And  
15 then Kurt Nelson would file our yearly taxes.

16 Q. Other than H&S Performance, are there  
17 any other legal entities associated with the H&S  
18 business?

19 A. No.

20 Q. Other than what you've previously  
21 testified to, are there any other legal entities  
22 that provide services to the business?

23 A. Can you rephrase? I'm not -- I don't  
24 understand.

25 Q. You described earlier a relationship

1 with DieselSellerz. You described earlier a  
2 relationship with a marketing company, I think we  
3 still need to find their name. Are there any  
4 other companies, that you're aware of, that are  
5 providing service to H&S Performance?

6 A. No.

7 Q. Okay. What bank account is used by  
8 H&S Performance?

9 A. The bank is Wells Fargo.

10 Q. At this time do you know the number --  
11 the amount of money available in the H&S bank  
12 account?

13 A. Somewhere between 50- and 100,000.

14 Q. Is that the only bank account used by  
15 H&S?

16 A. There is a savings associated with  
17 that that I believe there is 25,000. And that's  
18 -- that's estimated, so I don't know the exact  
19 number.

20 Q. Is the Wells Fargo account the only  
21 bank account in the United States?

22 A. Yes.

23 Q. Are there other bank accounts located  
24 in other countries?

25 A. No.

1 Q. Does H&S Performance file tax  
2 information in any foreign jurisdictions?

3 A. No.

4 Q. Has H&S ever filed an 1120F, F for  
5 Frank, with the IRS, which is the form for  
6 foreign corporation doing business in the United  
7 States?

8 A. Not to my knowledge, no.

9 Q. Who would know?

10 A. Lori or Kurt Nielsen, but I'm almost  
11 100 percent sure that we've never filed that  
12 since we don't do -- we don't have any business  
13 outside.

14 Q. Who signs the forms that are filed  
15 with the IRS?

16 A. I do.

17 Q. Does Mr. Hugie also sign those forms?

18 A. I'm not positive. I believe so, but I  
19 am not positive.

20 Q. But have you signed those forms?

21 A. I have. I don't know exclusively if I  
22 have or if he has not, but I know for sure at  
23 least one of the years I have signed on them.

24 Q. Would it be fair to say that either  
25 you or Mr. Hugie signs the tax forms --

1 A. Yes.

2 Q. -- filed with the IRS?

3 At all times?

4 A. Yes.

5 Q. Do you know if anyone associated with

6 H&S Performance has filed a Form 1120F, for

7 Frank?

8 A. I'm not aware of any.

9 Q. Are you a director for any other  
10 company?

11 A. For any other company? Yeah, on my --

12 I have a -- I'm a director in an insurance  
13 company.

14 Q. What is the name of the insurance  
15 company?

16 A. Desert Eagle Insurance, Inc.

17 Q. Where is that insurance company  
18 located?

19 A. Delaware.

20 Q. What is your role in Desert Eagle  
21 Insurance company?

22 A. The president.

23 Q. What type of insurance does Desert  
24 Eagle Insurance offer?

25 A. Small business risk insurance.

1 Q. How long have you been involved with  
2 that company?

3 A. I believe since 2012.

4 Q. Do you receive a salary as president  
5 of that company?

6 A. I do not.

7 Q. What type of products does Desert  
8 Eagle Insurance offer?

9 A. Insurance products.

10 Q. And to whom are those products sold?

11 A. To H&S Performance.

12 Q. Are they only sold to H&S Performance  
13 customers?

14 A. At this time.

15 Q. Let me rephrase.

16 Are they only sold to H&S Performance  
17 employees?

18 A. No. They're -- it's sold to H&S  
19 Performance.

20 Q. Are there other customers of Desert  
21 Eagle Insurance other than H&S Performance?

22 A. Not currently, no.

23 Q. Have you ever heard the term "captive  
24 insurance company"?

25 A. Yes.

1 Q. Would you describe this business as a  
2 captive insurance company?

3 A. Yes.

4 Q. Do you know why this business was  
5 established?

6 A. I believe for risk -- risk insurance  
7 that could be obtained for a price that could be  
8 afforded.

9 Q. Does H&S Performance pay for a policy  
10 with Desert Eagle Insurance?

11 A. Yes.

12 Q. And do you know the amount of that  
13 policy?

14 A. No, I don't off the top of my head.

15 Q. Do you know the amount of the premium?

16 A. Not off the top of my head. I believe  
17 this year -- or our last premium -- I believe our  
18 premium in '14 was somewhere between 200- and  
19 400,000 for the annual premium.

20 Q. Let me clarify your testimony.

21 H&S Performance paid between 200- and  
22 400,000 on an annual basis to Desert Eagle  
23 Insurance as a premium?

24 A. Correct. That was our last estimated,  
25 but yes. Since -- for 2012, '13, and '14, I

1 believe there was an annual payment.

2 Q. Between approximately 200- and  
3 400,000?

4 A. I don't know on the previous ones.  
5 I'm just going back off what the most recent one  
6 was, so I couldn't be sure on the others.

7 Q. And what did the premium payment  
8 ensure for H&S Performance? What was the scope  
9 of the coverage?

10 A. It was a broad scope. Specifically I  
11 would have to refer to my policy. It's been  
12 written -- I -- I wouldn't be comfortable with  
13 just throwing something out. I don't want to  
14 miss something and it's important.

15 MS. CABALLERO: I'd like to make a  
16 request on the record for the Desert Eagle  
17 Insurance policy with H&S Performance, as well as  
18 the records of premiums paid by H&S Performance  
19 to Desert Eagle Insurance company.

20 Q. I've mentioned the term "captive  
21 insurance company." What is your understanding  
22 of that term?

23 A. Insurance company to insure for  
24 certain -- certain risks or liabilities.

25 Q. Are those risks for legal risks, are

1 you aware?

2 A. I believe that in the scope of it,  
3 some of the policy, in my recollection, was to  
4 cover some -- some type of legal expense, to a  
5 degree. I don't know.

6 Q. Do you know the maximum limit of the  
7 policy?

8 A. I don't.

9 Q. Are you a director for any other  
10 company?

11 A. I am a member of another LLC that --  
12 HSP Holdings, which was created to basically get  
13 a loan for the building that we're currently in.

14 Q. Is Mr. Hugie also a director for HSP  
15 Holdings?

16 A. I am not sure. I believe at one time  
17 he may have been, but I would have to look that  
18 up. I don't -- I'm not -- not certain.

19 Q. Is H&S Performance a subsidiary of HSP  
20 Holdings?

21 A. No. They're separate companies.

22 Q. Are there any other companies  
23 associated with HSP Holdings, to your knowledge?

24 A. No.

25 Q. Can you explain further what you meant



1 as HSP Holdings was created in order for H&S  
2 Performance to obtain the loan for the building.

3 A. We were advised by our accountant to  
4 create a separate company to house the -- the --  
5 the loan and the building, just for liability  
6 issues.

7 Q. As a director of HSP Holdings, are you  
8 familiar with their financials?

9 A. Vaguely.

10 Q. Who else is a director for HSP  
11 Holdings, if anyone?

12 A. It would be me alone, or I -- I don't  
13 recall if Bentley's on there or not. But that  
14 would be the only two possibilities.

15 Q. Does HSP Holdings have a bank account?

16 A. Yes.

17 Q. Where is that bank account located?

18 A. Wells Fargo.

19 Q. Do you know how much money is in the  
20 Wells Fargo bank account?

21 A. I think between 20- to 50,000.

22 Q. Are you a director for any company  
23 other than HSP Holdings and Desert Eagle  
24 Insurance?

25 A. No.

1 Q. Are you involved in any partnerships?

2 A. No.

3 Q. Other than H&S Performance, any other  
4 corporate entities, other than H&S Performance?

5 A. No.

6 Q. Any other limited liability companies?

7 A. (Witness shakes head.)

8 Q. Any other legal entity that I've not  
9 previously named?

10 A. No.

11 Q. Do you receive royalties from any  
12 business?

13 A. Oh, sorry. I -- I do have a -- well,  
14 that one's been gone. No, I don't. Sorry.

15 Q. In the past have you been involved in  
16 any other legal entities, other than what you've  
17 already testified to?

18 A. No.

19 Q. Do you receive royalties from any  
20 business?

21 A. No.

22 Q. Does H&S Performance receive royalties  
23 from any business?

24 A. No.

25 Q. Other than what you've previously

1 testified to, do you have any affiliation with  
2 diesel engine aftermarket manufacturers?

3 A. No.

4 Q. Can you describe your current business  
5 activities at H&S Performance.

6 A. As we discussed, the plastic holding  
7 devices. We do have a couple of electronic  
8 software codes that we do offer.

9 Q. Can you further describe the  
10 electronic software codes.

11 A. We have -- you mentioned the custom  
12 tuning. There is a software code called MCC.  
13 And the only other one that I'm aware of is a --  
14 called Overdrive, which is a software to change  
15 the shift characteristics of a transmission.

16 Q. Do you have an estimate of how many  
17 sales of custom tuning that you have at this  
18 time?

19 A. I -- it would have to be a broad  
20 estimate if I was going to guess. I don't know.  
21 I would say 25 to 100 per month.

22 Q. And these are individuals who download  
23 custom tuning software from the H&S Performance  
24 website?

25 A. I don't know about that. It would --

1    though -- the unlock code would allow the  
2    software to eventually be installed on a certain  
3    device.  That code would be specific to a certain  
4    device.

5           Q.       What type of device?

6           A.       I would have to verify with Bentley,  
7    because again, that's not my area.  I know  
8    they're either specific to a vehicle  
9    identification number or to a specific device  
10   serial number, and I -- I don't know which.

11          Q.       Are these customers individuals  
12   located in the United States?

13          A.       I don't know.  They're sold online and  
14   I don't see that record.

15          Q.       Okay.  What is the MCC that you  
16   referenced to as a current product sold by H&S  
17   Performance?

18          A.       I would have to verify, but I -- I  
19   believe it is, but it's a possibility it's not  
20   available currently.

21          Q.       What is it?

22          A.       What's that?

23          Q.       What is the MCC?

24          A.       Oh, what is it?

25          Q.       Yes.

1           A.       That is a -- are you asking what MCC  
2 is or what the MCC code is?

3           Q.       How about both.

4           A.       Okay. No problem.

5                   MCC is the software that they can  
6 download for a PC that allows them to edit the  
7 calibration -- certain aspects of the  
8 calibration.

9           Q.       Is MCC a type of custom tuning?

10          A.       Yes.

11          Q.       And what does the MCC software do?

12          A.       It allows certain areas of the  
13 calibration to be customer changed.

14          Q.       And what types of calibrations are  
15 these?

16          A.       Calibrations that would be stored on  
17 the Black Maxx, Mini Maxx, or XRT.

18          Q.       So this custom tuning is specific to  
19 H&S devices?

20          A.       The -- the MCC software is not. The  
21 MCC code is.

22          Q.       Okay.

23          A.       They could potentially change any  
24 calibration they wanted to, but it wouldn't go on  
25 our device. I guess they could be changed for

1 any device.

2 Q. And when you say "custom," does it  
3 mean that it's for a particular truck?

4 A. When I say "custom"?

5 Q. Right.

6 A. "Custom" meaning that it's a customer  
7 settable option.

8 Q. You mentioned that H&S Performance is  
9 also selling an Overdrive product at this time?

10 A. I believe so, yes.

11 Q. And what is that product?

12 A. That is a -- a code that enables a  
13 certain calibration on a XRT, Black Maxx, or Mini  
14 Maxx to enable that device to download that code  
15 to a transmission to change the transmission  
16 characteristics.

17 Q. Are you currently selling any devices  
18 in the state of California?

19 A. No.

20 Q. Are you in the midst of a recall with  
21 California-sold devices?

22 A. Yes.

23 Q. Have you received any devices as a  
24 result of that recall?

25 A. No.

1 Q. I believe you've testified that the  
2 downloadable software that you're currently  
3 selling allows the calibration to be changed by  
4 the customer; is that correct?

5 A. Correct.

6 Q. What is the estimated sales for that  
7 type of software?

8 A. I think I covered that. The 25 to 100  
9 range per month.

10 Q. Okay. And is it sold by being  
11 downloaded from the H&S Performance website?

12 A. The code is purchased on the website.  
13 The software is free to download.

14 Q. So if I'm a customer and I am on your  
15 website, I would be able to download the software  
16 from the website for free, but I would need to  
17 pay for a code to enable me to use the software;  
18 is that correct?

19 A. You can use the software. You can  
20 create all the calibrations that you want, but  
21 you cannot put that calibration on the vehicle or  
22 our device without the code.

23 Q. And how does the customer obtain the  
24 code specifically?

25 A. Purchase it on our website.

1 Q. Is there any documentation that needs  
2 to be provided to H&S Performance prior to the  
3 release of that code to the customer?

4 A. No. That software does not allow any  
5 -- just so you're aware -- the software does not  
6 allow you any DPF modifying.

7 Q. What about SCR modification?

8 A. No emission systems or related, I  
9 believe, is changeable.

10 Q. Does the software allow modifications  
11 to the OEM setting of the vehicle?

12 A. Yes. It would allow different  
13 characteristics of, say, fueling, timing, things  
14 like that is editable.

15 Q. In order to use the MCC software,  
16 would a customer need an H&S Performance device?

17 A. In order to install it on their  
18 vehicle they would have to have one of our  
19 devices. They're free to use it all they want,  
20 but in order to install it, yes.

21 Q. I'd like to introduce Shirts  
22 Exhibit 2. Do you recognize this exhibit?

23 A. I do.

24 Q. What is it?

25 A. Net worth by month as of



1 February 16th, 2014, for H&S Performance.

2 Q. Can you also review the following  
3 pages on Page 1 on Shirts Exhibit 2.

4 A. Okay.

5 Q. Did you compile the information in  
6 Shirts Exhibit 2?

7 A. Yes.

8 Q. And you provided that to Mr. Clarkson  
9 who then provided it to the Environmental  
10 Protection Agency?

11 A. Yes.

12 Q. If I look at Page 1 of Shirts  
13 Exhibit 2, I see that at the height of the H&S  
14 Performance business, the net worth was slightly  
15 over \$10 million; is that correct?

16 A. I don't see the line, but I'm visually  
17 seeing in that neighborhood, yes.

18 Q. Did you receive a Notice of Violation  
19 from the Environmental Protection Agency in 2012?

20 A. I don't recall the dates, but I'm...

21 Q. I'm going to show you what's been  
22 marked as Hugie Exhibit 11. Do you recognize  
23 Hugie Exhibit 11?

24 A. Yes.

25 Q. What is it?

1 A. Notice of Violation from USEPA.

2 Q. And it's dated May 30th of 2012?

3 A. Yes.

4 Q. After H&S Performance received this  
5 Notice of Violation, was there a change in  
6 product sales?

7 A. I would have to refer to my sales  
8 records.

9 Q. Mr. Hugie testified that shortly after  
10 the Notice of Violation was received there was a  
11 change in business practices. Do you recall a  
12 change in business practices after the Notice of  
13 Violation was received?

14 A. General -- I'm not -- I guess be more  
15 specific of what he's referring to, because I  
16 don't know what business practices.

17 Q. Did you reduce the number of devices  
18 that you were selling at H&S Performance?

19 A. We did. I don't recall the exact  
20 date. We did some point thereafter the notice  
21 changed the -- from the race tuner that you see  
22 in the sales, to the street tuner, which no  
23 longer offered a DPF portion of the calibrations.

24 Q. Did it offer a CR removal (sic)?

25 A. No.

1 Q. Did it offer EGR removal?

2 A. No.

3 Q. Is it your testimony that after you  
4 received the Notice of Violation from the EPA  
5 that your devices sold thereafter no longer  
6 affected the pollution control technology in the  
7 vehicles for which the device was used?

8 A. Yes. Subsequently after the notice --  
9 again, I don't know the exact dates -- but, yes,  
10 that was the major deciding factor to remove  
11 those from any U.S. devices.

12 Q. Referring to Shirts Exhibit 2, it  
13 appears that your business reached its greatest  
14 net worth after receipt of the NOV from EPA.  
15 Could you explain that?

16 A. I don't know the -- can't really see  
17 the intersecting lines and where it is, but from  
18 my recollection it seemed that there was orders  
19 either in the system or being processed or  
20 whatnot, you know, a few months before, a few  
21 months after this date.

22 I would have to look at my records to  
23 see, but I -- I believe that anything that was in  
24 the system was processed. And if it wasn't then  
25 we -- we redesigned the program and started sales

1 again.

2 Q. So if you look more specifically at  
3 Shirts Exhibit 2 and look at the annotation for  
4 June 30th of 2012, that's one month after the  
5 Notice of Violation was received by EPA. There's  
6 still quite a few time periods before the next  
7 annotation for September 30th of 2013 where the  
8 business of H&S Performance had the highest net  
9 worth.

10 Can you explain that in reference to  
11 the testimony you just provided.

12 A. Again, I'm guessing, and I'd have to  
13 look at the sales records to see what the exact  
14 dates are --

15 Q. Turning to --

16 A. -- but I -- I don't know where those  
17 sales would have taken place, or the context of  
18 any of those sales, or the growth of the company.  
19 So I would -- based on just these limited pages,  
20 I would -- I wouldn't be comfortable just  
21 guessing.

22 Q. But this is information that you did  
23 provide to your counsel to provide to the  
24 Environmental Protection Agency, correct?

25 A. Correct.

1 Q. And you are the co-manager of H&S  
2 Performance; is that correct?

3 A. Correct.

4 Q. Turning to Page 2 of Shirts 2, and  
5 continuing on to Page 6, are these balance sheets  
6 for H&S Performance from approximately 2010 to  
7 2014?

8 A. Yes.

9 Q. Mr. Shirts, you've testified that  
10 there is approximately \$50,000 or less remaining  
11 in all bank accounts associated with H&S  
12 Performance. Looking at Shirts Exhibit 2, Page 2  
13 through Page 6, we see the net worth of H&S  
14 Performance varies from \$2 million in any given  
15 year, to a high of \$8.1 million in late 2012.  
16 And as recently as December 31st, 2014, the  
17 balance sheet shows approximately \$2.4 million as  
18 the net worth of H&S Performance.

19 Given the limited money available in  
20 the Wells Fargo and other bank accounts, could  
21 you describe for me where is the net worth of H&S  
22 Performance?

23 A. Between this date and now, I believe  
24 that the million dollar fine -- or settlement  
25 with California was paid, so I know that is

1 where --

2 Q. You're referring to the California --

3 State of California settlement with H&S

4 Performance --

5 A. Yes.

6 Q. -- for the sale of defeat devices in

7 2014?

8 A. Yes.

9 Q. So I believe that was in 2014, so  
10 that's \$2.4 million.

11 But turning to the previous page,  
12 3.2 million in 2013 and a high of 8.1 million in  
13 2012. Where is the remainder of the \$8 million?

14 A. I would have to look at my accounts to  
15 find out.

16 Q. And you --

17 A. Everything -- everything is in  
18 QuickBooks, so I...

19 Q. You testified as to the salary you and  
20 Mr. Hugie receive from the company and the number  
21 in the Wells Fargo bank accounts. What other  
22 location would you look for the money?

23 A. Well, there is accounts receivable on  
24 here that would be -- I know that HSP Holdings,  
25 to buy the property, did borrow money from H&S.

1 So that would be...

2 Q. Is there a mortgage on the South River  
3 Road location?

4 A. Yes.

5 Q. And what is the amount of that  
6 mortgage?

7 A. I don't know what it is currently, but  
8 estimated between 1.2 and 1.5 million.

9 Q. When you purchased the South River  
10 Road location, what was the purchase price?

11 A. I -- I don't recall.

12 Q. But the mortgage today is between 1  
13 and \$1.5 million?

14 A. Yeah, between 1 and 1.5.

15 Q. What is the annual monthly mortgage  
16 payment?

17 A. I believe the mortgage payment is  
18 between 12- and \$15,000 per month.

19 Q. And is the mortgage payment paid to  
20 HSP Holdings?

21 A. Yes.

22 Q. HSP Holdings is the owner of the  
23 mortgage?

24 A. Yes.

25 Q. You've testified HSP Holdings and H&S

1 Performance are completely separate legal  
2 entities. Is the value of HSP Holdings reflected  
3 in the H&S Performance balance sheet?

4 A. Only to the extent of what -- what  
5 monies they would have borrowed for the real  
6 estate. HSP Holding has limited other business.

7 Q. So HSP Holdings borrowed the money  
8 from H&S Performance to purchase the property?

9 A. Yes.

10 Q. Who was the property purchased from?

11 A. The previous owners, the tenants. I  
12 don't recall their -- you know, the specific  
13 company.

14 Q. But the property itself is valued at  
15 approximately 1 million to \$1.5 million? Or is  
16 that only the amount of the mortgage?

17 A. That's the amount of the mortgage. I  
18 don't know the current value.

19 Q. Are taxes paid on that property to the  
20 State of Utah?

21 A. Yes.

22 Q. Do you know the amount of those taxes?

23 A. I don't.

24 Q. So we've discussed the value of the  
25 property, and the mortgage, and the amount of



1 money in the Wells Fargo accounts, and the  
2 salaries paid to the employees. But that still  
3 doesn't account for the millions of dollars  
4 identified in the balance sheets of Shirts  
5 Exhibit 2. Where else might the money be?

6 A. I would -- every dollar's accounted  
7 for in QuickBooks, so I would have to refer to  
8 that. Off the top of my head, I don't know.

9 Q. That's the software program you use?

10 A. Yes.

11 MS. CABALLERO: Okay. So we can  
12 request on the record the QuickBooks for 2010 to  
13 present.

14 So it's almost noon, so I think we'll  
15 take an hour lunch break and return at 1:00.

16 THE WITNESS: Okay.

17 MS. CABALLERO: Off the record.

18 (The lunch break was taken from  
19 11:57 a.m. until 12:53 p.m.)

20 MS. CABALLERO: Back on the record.

21 THE WITNESS: I was going to clarify  
22 one answer too.

23 MS. CABALLERO: Sure, we're on the  
24 record now.

25 Q. Is there something you wanted to

1 clarify of your prior testimony?

2           A.       Yeah. Just on the clarification of  
3 the previous question you asked of what my  
4 salaries were at H&S. You specifically asked me  
5 what my salary was, which I answered, which I  
6 believe is true and correct. But also in  
7 addition to that, Bentley and I received a yearly  
8 dividend based on company performance or whatnot.  
9 So I just didn't want you to think I was leaving  
10 that out, but I didn't think about it because I  
11 wasn't asked.

12           Q.       I appreciate that.

13                    So do you recall the dividend that you  
14 received in 2014?

15           A.       I don't.

16           Q.       How about 2013?

17           A.       I don't recall specific amounts.  
18 There's going to be a couple of million between  
19 '10 -- '9 and '10 and '14, total between those.  
20 But I don't know, you know, specifically what  
21 they were.

22           Q.       Let me see if I can break that down.  
23 Between 2009 and 2014, is it your testimony that  
24 you received a couple of million dollars in  
25 dividends from H&S Performance?

1 A. Yeah, I mean --

2 Q. Approximately?

3 A. Approximately, yes.

4 Q. And would that have been the same

5 amount of money around the same time for

6 Mr. Hugie?

7 A. Yes. Our structure, I think, requires

8 a equal distribution based on partners.

9 Q. Did anyone else receive a dividend  
10 from H&S Performance?

11 A. No.

12 Q. You mentioned at the outset of this  
13 deposition that you had been previously deposed;  
14 is that correct?

15 A. One other time.

16 Q. Is that in connection with any of your  
17 job responsibilities at H&S Performance?

18 A. Yes. It was a contract dispute.

19 Q. When was that deposition?

20 A. Within the last year.

21 Q. So in --

22 A. Approximately.

23 Q. -- approximately 2014?

24 A. Yes, I believe so. It was --

25 Q. And what was the nature of the

1 contract dispute?

2 A. We had an agreement with a race  
3 sanctioning body to display our brand name or  
4 logo at certain events, and racing events, and  
5 whatnot. And we were unhappy with their  
6 performance, so we stopped paying them their  
7 contract.

8 Q. What is the name of the race  
9 sanctioning body?

10 A. There's two names of it. It's either  
11 North American -- well, let me see. Yeah, North  
12 American Diesel Motorsports. And then I believe  
13 at some point they changed their name to just  
14 Diesel Motorsports.

15 Q. And you provided one of these two  
16 entities money for promotion of H&S Performance?

17 A. Yes.

18 Q. And do you know approximately how much  
19 you paid each of these entities? Or the entities  
20 combined?

21 A. I believe that the annual contract was  
22 -- I want to say -- I'm going to give a range  
23 because I'm not sure -- but I think it's 10- to  
24 50,000 per year. I don't know the specifics  
25 exactly.

1 Q. Has that matter been resolved?

2 A. Not -- not completely.

3 Q. Is it filed in litigation -- a filed  
4 matter in court?

5 A. Yes.

6 Q. Do you know what court it's filed in?

7 A. Missouri.

8 Q. It's the State Court in Missouri? Or  
9 the Federal Court?

10 A. State, I believe.

11 Q. Is this company mainly based in  
12 Missouri?

13 A. Yes.

14 Q. And you are mainly based in -- your  
15 primary -- you work --

16 A. Yeah, we have --

17 Q. You're probably in Federal Court?

18 A. Yeah. Yeah, wholly based in St.  
19 George.

20 Q. Are there any other legal disputes,  
21 past or present, in which H&S Performance is  
22 engaged?

23 A. The California settlement, and the  
24 NADM contract dispute is the only legal I believe  
25 we've ever been involved in.

1 Q. And when you say "NADM," you mean  
2 North American Diesel Manufactures?

3 A. The -- Motorsports, sorry.

4 Q. Motorsports. Okay.

5 A. I was using the -- the industry term,  
6 sorry.

7 Q. Does Mr. Clarkson represent you in the  
8 NADM matter?

9 A. No.

10 Q. Who are you represented by?

11 A. I believe it's Husch Blackwell,  
12 H-U-S-C-H, from Missouri.

13 Q. Who initiated that dispute?

14 A. The other party.

15 Q. Okay. Since the height of your  
16 business operations over the 2008-2014 time  
17 period, your -- you testified that your number of  
18 employees have greatly decreased to about eight  
19 or so remaining?

20 A. Correct.

21 Q. To your knowledge, do any of your  
22 former employees work for others who manufacture  
23 what EPA refers to as defeat devices?

24 A. The only one that I'm aware of would  
25 be Robert Van Otten.

1 Q. Do you know who Mr. Van Otten works  
2 for?

3 A. PDI.

4 Q. Do you know what his job  
5 responsibilities are at PDI?

6 A. I do not.

7 Q. When did Mr. Van Otten leave H&S  
8 Performance?

9 A. I believe sometime in '14 he was laid  
10 off.

11 Q. Okay. I'm going to introduce to you  
12 what's been marked as -- let me give you the  
13 official -- Hugie 7 and Hugie 8.

14 Do you recognize Hugie Exhibit 7?

15 A. I do.

16 Q. And what is it?

17 A. No. 7 is a request for information to  
18 H&S Performance dated February 23rd, 2015.

19 Q. And is this the Clean Air Act 208(a)  
20 information request for videos that have been  
21 posted online by H&S Performance?

22 A. Yes, it is.

23 Q. And do you recognize Exhibit 8? Hugie  
24 Exhibit 8?

25 A. I do.

1 Q. And what is it?

2 A. This is the response submitted by  
3 Clarkson Draper & Beckstrom with the information  
4 provided by H&S Performance.

5 Q. And in Hugie Exhibit 8 there is a list  
6 of videos that have been posted to YouTube and  
7 Facebook by H&S Performance?

8 A. Yes.

9 Q. Are you familiar with the Internet  
10 website YouTube?

11 A. Yes.

12 Q. Do you know what the H&S Performance  
13 channel is on YouTube?

14 A. That would be where the H&S  
15 Performance videos would be located.

16 Q. Did someone at H&S Performance create  
17 an account at YouTube, to your knowledge?

18 A. I wouldn't have been involved, so I  
19 don't know.

20 Q. Who would have been involved in that?

21 A. Most likely the web team.

22 Q. Have you ever been a manager on the  
23 H&S Performance channel account for YouTube?

24 A. Not that I'm aware of.

25 Q. So you never accessed the YouTube



1 account as -- in your role as a principal at H&S  
2 Performance?

3 A. No.

4 Q. Do you have any information (sic) to  
5 believe that the information that H&S Performance  
6 had posted to YouTube had been hacked or  
7 otherwise accessed by other than an H&S employee?

8 A. Not that I would be aware of.

9 Q. I'm sorry, could you repeat that.

10 A. Not that I would be aware of.

11 Q. Okay. Thank you.

12 So we're going to turn to what we have  
13 marked electronically as Exhibit 9, and it's on  
14 this computer.

15 Mr. Clarkson, you have it on the --

16 MR. CLARKSON: Flash drive.

17 MS. CABALLERO: -- exhibit flash  
18 drive.

19 This is Hugie Exhibit 9.

20 (The video was played.)

21 Q. BY MS. CABALLERO: Do you recognize  
22 that video?

23 A. Not necessarily, but it -- I -- I've  
24 definitely seen it.

25 Q. Do you know when it was filmed?

1 A. I don't.

2 Q. Were you there at the time of filming?

3 A. I don't believe so, no.

4 Q. Do you know what equipment was used to  
5 film this video?

6 A. I don't.

7 Q. Do you know where the file is? The  
8 video would have been stored?

9 A. I don't.

10 Q. Do you recognize the truck in the  
11 video?

12 A. Not -- no, not offhand. I don't  
13 believe --

14 Q. Do you need to see the video again to  
15 look at the truck?

16 A. I know the truck, I just -- it's -- I  
17 don't believe that -- that it's our truck, or I  
18 don't -- I don't specifically know the truck. I  
19 know the year, make, model of it, but I don't  
20 recognize the truck as --

21 Q. So you don't know if that truck is an  
22 H&S vehicle?

23 A. That I don't know.

24 Q. In that video there was an annotation  
25 of SCR, DOC, and DPF deleted. Did you see that

1 in that video?

2 A. Yes.

3 Q. I think you testified earlier that SCR  
4 is selective catalytic reduction. In the context  
5 of that video, what does SCR deleted mean?

6 A. It would mean that -- not present on  
7 the vehicle.

8 Q. And there was an annotation for DOC.  
9 Do you know what DOC is?

10 A. I don't. I know it's related to the  
11 exhaust.

12 Q. Does DOC stand for diesel oxidation  
13 catalyst?

14 A. I would have to go with you on that  
15 one because I don't know.

16 Q. Do you know what it means when the DOC  
17 is deleted?

18 A. I know that that's some sort of the --  
19 part of the exhaust on it.

20 Q. Has been removed from the vehicle?

21 A. Yes.

22 Q. Okay. There was also an annotation  
23 that DPF was deleted. Do you know what that  
24 means?

25 A. Would mean it's not on the vehicle.

1 Q. Do you know where this video was  
2 filmed?

3 A. I don't.

4 Q. Do you know what device was used in  
5 that video?

6 A. I do not.

7 Q. You were primarily responsible with  
8 assembling the response for Hugie Exhibit 8,  
9 correct?

10 A. 8. I -- I compiled it into a list,  
11 but Bentley was the one that sent me the actual  
12 link, the information in it. I don't...

13 Q. Is the video provided to EPA in the  
14 208(a) response dated March 2nd, 2015, the same  
15 as the one that was available on YouTube?

16 A. I believe so.

17 Q. Do you have any reason to believe that  
18 was not the case?

19 A. No.

20 Q. Do you know who would have posted this  
21 video to YouTube?

22 A. I would assume our web team.

23 Q. So would it be fair to say that the  
24 individual who posted this video to YouTube was  
25 an H&S employee?

1           A.       I would assume, but I -- I don't know  
2 for certain.

3           Q.       Do you have any reason to believe it  
4 wouldn't be an H&S employee?

5           A.       Not offhand. I have no reason to  
6 believe that.

7           Q.       Were you aware that access to this  
8 video was restricted on YouTube?

9           A.       I was not.

10          Q.       Were you in charge of providing  
11 direction for any video restrictions on YouTube  
12 for H&S Performance videos?

13          A.       Can you say that again. I missed the  
14 first part.

15          Q.       Were you responsible for any video  
16 restrictions on YouTube for H&S Performance  
17 videos?

18          A.       Not -- no.

19          Q.       Do you know who would have given  
20 direction to have H&S Performance videos on  
21 YouTube restricted from public access?

22          A.       The web team would have probably made  
23 that decision.

24          Q.       And who directed the web team?

25          A.       I was their supervisor, but not on

1 day-to-day decisions. They were given pretty  
2 open reigns to fairly do what they thought was  
3 necessary.

4 Q. But ultimately you were responsible  
5 for their salary?

6 A. Yes.

7 Q. And you are the co-principal of H&S  
8 Performance, correct?

9 A. Correct.

10 Q. Do you know if H&S performed any  
11 emission testing on the truck in that video,  
12 Exhibit 9, Hugie?

13 A. I don't believe so.

14 Q. You don't believe so? Or you know  
15 that there was no testing?

16 A. I'm not aware of any testing on that  
17 vehicle, so I'm going to assume that there's not.

18 Q. Okay. Has there -- I believe I asked  
19 you this before but I'd like to clarify given the  
20 nature of your response.

21 Has there been any emission testing on  
22 any of the trucks utilized by H&S in their  
23 business operations?

24 A. The years that we tested in California  
25 were Dodge Ram 2007 to 2012 model years.

1 MS. CABALLERO: Mr. Clarkson, to the  
2 extent I have not already asked for that  
3 information, can I make a request on the record  
4 for the imaging testing for the Dodge Ram for the  
5 2007 to 2012 model years.

6 MR. CLARKSON: By that you're  
7 referring to the third-party testing information  
8 in California? You want the test results, as  
9 well as the amounts paid and the tests performed?

10 MS. CABALLERO: Yes, please. Thank  
11 you.

12 Q. So other than that test that was just  
13 referenced for the Dodge Ram in California, was  
14 there any emission testing for any other trucks  
15 modified by H&S Performance in the course of  
16 carrying out business operations?

17 A. Not that I'm aware of.

18 Q. I'm finished with those two exhibits.

19 A. Okay.

20 Q. Are you familiar with the Facebook  
21 page operated by H&S Performance?

22 A. Yes.

23 Q. Is there an account on Facebook for  
24 H&S Performance?

25 A. Yes.

1 Q. Do you know who created the account?

2 A. I do not.

3 Q. Are you a manager of the account?

4 A. It's possible, but I've never managed  
5 it. I think how it's set up is certain e-mails  
6 can be designated as an administrator. I don't  
7 know how they give those roles out, but it's  
8 possible my e-mail could have been set up as one.  
9 I don't know, though. I've never used it to --  
10 to do anything.

11 Q. Who would have been involved in that  
12 Facebook account?

13 A. The web team.

14 Q. And all of the web team were H&S  
15 employees, correct?

16 A. I believe that during the time of the  
17 DieselSellerz contract, they were given access to  
18 the Facebook as well.

19 Q. I'm going to return to Hugie  
20 Exhibit 24, 25, and 26. Refresh your  
21 recollection of those.

22 You had previously testified that you  
23 believed that Skyler -- referenced in Exhibit 24,  
24 Hugie -- worked for DieselSellerz; is that  
25 correct?



1           A.       Yes. I don't know if he worked for  
2 DieselSellerz, but he was working on behalf of  
3 DieselSellerz.

4           Q.       And did you give DieselSellerz  
5 direction to post requests such as that in  
6 Exhibit 24?

7           A.       We never gave them an exact direction  
8 to go, just that this was -- the time that we'd  
9 hired DieselSellerz was the time that we  
10 discontinued any emissions modification  
11 calibrations. And so at that point we felt that  
12 we were selling a legal product and hired them to  
13 get us Facebook likes and other advertising.

14          Q.       Did DieselSellerz have a password for  
15 the H&S Performance Facebook account?

16          A.       I believe so.

17          Q.       So you contracted DieselSellerz, who  
18 contracted with Skyler's group in order to  
19 acquire testimonials about the XRT-Pro; is that  
20 correct?

21          A.       We -- yes, we did contract with  
22 DieselSellerz, who in turn worked with Skyler.  
23 But we didn't necessarily contract them to get  
24 testimonials. That was just one of the ways, I  
25 believe, that they were trying to fulfill what we

1 asked them to do.

2 Q. So they had a broad latitude in  
3 interpreting your direction to them --

4 A. Yes.

5 Q. -- is that fair?

6 And your direction to them was what?  
7 What was your direction to DieselSellerz?

8 A. Our main direction was that we wanted  
9 Facebook likes.

10 Q. So in Exhibit 24, Skyler with H&S is  
11 seeking testimonials, including testimonials  
12 referencing a great experience with fuel  
13 efficiency and towing; is that correct?

14 A. That's on here, yes.

15 Q. So turning to Exhibit 25 -- Hugie  
16 Exhibit 25. Have you ever seen this post by  
17 Vladimir Bortchevsky before?

18 A. I have not.

19 Q. Do you know Mr. Bortchevsky?

20 A. I do not.

21 Q. Can you read the highlighted portion  
22 of Exhibit 25.

23 A. It says:

24 "I prefer to run Performance tune  
25 with DPF delete. Although I do

1 not drive the truck on Performance  
2 tune at its full potential, a  
3 noticeable gain in miles per  
4 gallon is one of the strong  
5 features of XRT-Pro."

6 Q. So Mr. Bortchevsky appears to be  
7 referencing using XRT-Pro with a DPF delete mode;  
8 is that correct?

9 A. Yes, he seems to be.

10 Q. And DPF delete mode refers to some of  
11 the pollution control technology being removed  
12 from the vehicle; is that correct?

13 A. Correct.

14 Q. And earlier you testified that  
15 DieselSellerz was, at your direction, acquiring  
16 Facebook likes for your devices that were not  
17 intended to remove pollution control technology;  
18 is that correct?

19 A. They weren't intended nor capable of  
20 at that point in time.

21 Q. Given your belief they were not  
22 capable of, can you explain Mr. Bortchevsky's  
23 post on Facebook?

24 A. Previous versions of our products were  
25 capable.

1 Q. What does "MPG" stand for in  
2 Mr. Bortchevsky's post, if you know?

3 A. I'm going to assume, miles per gallon.

4 Q. And he's using this device on the city  
5 and the highway?

6 A. That's what he's claiming.

7 Q. Turning to Exhibit 26. Do you  
8 recognize this exhibit?

9 A. I do not.

10 Q. Appears to be a post by Jason Allison  
11 and -- as a testimonial in response to Skyler's  
12 request for testimonials.

13 Do you know Mr. Allison?

14 A. I do not.

15 Q. In Exhibit 26, would you read  
16 Mr. Allison's post to represent that he is  
17 running in the EGR delete mode?

18 A. You want me to read it? Or read it  
19 and --

20 Q. Just read it to yourself. And my  
21 question is, is he running his XRT-Pro in the ERG  
22 delete mode?

23 A. It doesn't specify. It just says that  
24 the XRT-Pro works.

25 Q. If you just go to the previous portion

1 of the line before "XRT-Pro works," the  
2 highlighted portion says "EGR delete."

3 A. It does say "EGR delete" and the  
4 "XRT-Pro," but it doesn't specifically say he's  
5 running it in the delete mode. You can use a  
6 tuner with an EGR delete on a -- on a legal tune,  
7 you just may have a check engine light on.

8 The truck will still run and will  
9 still perform, but to say that for sure he's got  
10 a delete tuned XRT-Pro, to me, is not stating  
11 correctly what he's saying.

12 Q. When Mr. Allison is running this  
13 XRT-Pro, even if the engine light is illuminated,  
14 does that mean that the pollution control  
15 technology has been altered or disabled?

16 A. I would have to read the trouble codes  
17 to see what the engine light was for or if it was  
18 even on. I know at some point there were  
19 companies selling, to laymen's term, a fooler box  
20 that you could plug into the EGR to make it think  
21 that it was functioning. So that definitely  
22 could be the case but...

23 Q. Below Mr. Allison's post is a post by  
24 Corey Davenport. Do you know Mr. Davenport?

25 A. I do not.

1 Q. Mr. Davenport states in his post using  
2 "XRT-Pro Hot tune, fully deleted." Do you know  
3 what that means?

4 A. I'm going to assume that they would be  
5 the DPF delete.

6 Q. And if he's running DPF delete, does  
7 that mean that his pollution control technology  
8 is disabled or altered from the original  
9 equipment manufacturer setting?

10 A. That I -- I wouldn't feel comfortable  
11 just assuming, because the same thing, you can  
12 run with a check engine light on. And he just  
13 says it's the XRT-Pro Hot, which doesn't say that  
14 that's the particular tune he has, or  
15 calibration.

16 Q. Underneath Mr. Davenport's post is  
17 a -- what I believe I could represent to you is a  
18 Facebook like symbol. Looks like a hand with the  
19 thumb up and has a "2" next to it. Does that  
20 mean, to your knowledge, that two people on  
21 Facebook liked Mr. Davenport's post?

22 A. I would assume so, yes.

23 Q. Did DieselSellerz fulfill their  
24 contract obligations with you in achieving high  
25 numbers of Facebook likes?

1 A. Yes.

2 Q. Done with that exhibit for now.

3 A. Okay.

4 Q. Going back to the Facebook account in  
5 general, was there a certain person on the web  
6 team for H&S who was in charge of the Facebook  
7 account?

8 A. No one in particular.

9 Q. Just any of the employees working on  
10 the web team who you've previously identified as  
11 H&S employees.

12 Turn to Hugie Exhibit 16, 17, and 18.  
13 These exhibits have been previously marked.

14 Do you recognize Exhibit 16?

15 A. Not to the extent of the Facebook, but  
16 I have seen this picture, yes.

17 Q. Where have you seen this picture?

18 A. On somebody's phone.

19 Q. Whose phone was that?

20 A. I don't recall exactly, but someone in  
21 our tech department.

22 Q. Is it your understanding that person  
23 took the picture?

24 A. I don't know. It was, I think,  
25 getting passed around a lot. But I do know that

1 the vehicle -- I know who was driving, I know the  
2 vehicle in question, and it's a -- it's a 2004  
3 Ram by one of our employees that we don't even  
4 make a product for that is not DPF/SCR equipped.

5 Q. So this truck on the first page of  
6 Exhibit 16, Hugie, is not an H&S Performance  
7 truck?

8 A. It was originally. We purchased it to  
9 try to develop products for that model year, and  
10 we just didn't have time for it -- or I don't  
11 know why. Eventually we decided not to do that  
12 model year, and so that employee ended up  
13 purchasing the truck from us.

14 Q. And was that employee using the truck  
15 for his individual use?

16 A. Yes.

17 Q. And who was that employee?

18 A. Kellen Gardner. But it definitely did  
19 not have H&S products on it because we didn't  
20 manufacture anything for it.

21 Q. You said this is a 2004 Ram truck; is  
22 that correct? The truck pictured in Exhibit 16,  
23 first page; is that correct?

24 A. It's a 2004 or 2005, I don't recall.  
25 But they're the same -- same emission components



1 or same body.

2 Q. So given that you recognize this  
3 picture here in Hugie Exhibit 16, would you say  
4 this picture is a complete and accurate  
5 representation of the photo, based on your  
6 knowledge of it?

7 A. Can you explain that.

8 Q. Sure.

9 Is it your understanding this photo  
10 has been altered in any way?

11 A. Oh, I don't believe so. I believe he  
12 got pulled over for speeding. So...

13 Q. Okay. Do you know who posted this  
14 photo to Facebook?

15 A. I don't.

16 Q. Was it posted to Facebook by an H&S  
17 employee?

18 A. I don't know.

19 Q. This is the Facebook.com page of H&S  
20 Performance, correct?

21 A. Uh-huh.

22 Q. Have you seen this picture on the H&S  
23 Performance website?

24 A. I have not. I'm not a Facebook guy.

25 Q. At the bottom of the photo pictured in

1 Exhibit 16 there is a comment. H&S Performance,  
2 and the comment is "Maybe the tuning works too  
3 good."

4 Do you know who would have posted that  
5 comment for H&S Performance?

6 A. I don't. I would assume our web team,  
7 but I don't know how Facebook works, if someone  
8 can post something and then H&S in turn basically  
9 links to it and then it becomes theirs, or I  
10 don't understand how that works.

11 Q. But it's your understanding there was  
12 an H&S Performance account on Facebook?

13 A. Yes.

14 Q. And that account was only accessed by  
15 employees of H&S Performance or by your  
16 contractor --

17 A. Yes.

18 Q. -- DieselSellerz?

19 So to that end, this comment here  
20 posted by H&S Performance would have been either  
21 an employee of H&S Performance or an employee of  
22 DieselSellerz?

23 A. Yes, that comment I believe would have  
24 been.

25 Q. Turning to Hugie Exhibit 17. Do you

1 recognize this exhibit?

2 A. I do not.

3 Q. Were you aware that there was a  
4 portion of the Facebook page for H&S Performance  
5 that contained recommendations for H&S  
6 Performance by others?

7 A. I was not aware of that.

8 Q. If you could turn to Page 2 of  
9 Exhibit 17. If you look at the top of the page,  
10 there's a post there by a Mr. James Jennings. Do  
11 you see where I am?

12 A. Yep.

13 Q. Do you know Mr. Jennings?

14 A. I do not.

15 Q. Can you read his post, please.

16 A. "I run a Mini Maxx in my 6.4  
17 liter and the mileage and  
18 unbelievable power is deadly, with  
19 H&S EGR delete. Thanks H&S."

20 Q. Do you know what Mr. Jennings means  
21 when he said "H&S EGR delete"?

22 A. I would assume the calibration that  
23 would allow for EGR delete.

24 Q. So the pollution control technology  
25 has been removed via the Mini Maxx?

1           A.       The Mini Maxx wouldn't remove the  
2   technology.   The Mini Maxx would modify the code  
3   so that the check engine light wouldn't come on  
4   with a removed component.

5           Q.       In other words, there is a deviation  
6   from the OEM settings for a device using the Mini  
7   Maxx; is that correct?

8           A.       Yes.

9           Q.       A truck using the Mini Maxx?

10          A.       Yes.

11          Q.       I'm going to turn to Hugie Exhibit 18.  
12   Have you seen a section of the Facebook website  
13   for H&S Performance entitled "Recent Posts By  
14   Others"?

15          A.       I have not.

16          Q.       Have you ever been on these pages?

17          A.       Not that I'm aware of, no.

18          Q.       But your web team would have been  
19   responsible for reviewing this information as  
20   part of their Facebook and marketing  
21   responsibilities?

22          A.       I don't know. I would have never  
23   specifically asked them to review it because I  
24   don't know what exists on Facebook, to be honest.

25          Q.       But it was the H&S Performance

1 employees who set up the Facebook account,  
2 correct?

3 A. I believe so.

4 Q. And they work at your direction,  
5 correct?

6 A. Correct.

7 Q. I'm done with those exhibits. I'm  
8 going to move on to Hugie Exhibits 19, 20, and  
9 21, if you could take a look at those.

10 A. Okay.

11 Q. You had previously testified that H&S  
12 has a website, correct?

13 A. Yes.

14 Q. Who created the website?

15 A. I don't know who originally created  
16 it, but the current form of it would have been  
17 our -- our web team.

18 Q. Might the website have been created by  
19 Scott Dana?

20 A. I believe that we had hired someone  
21 previous to him to initially build the website,  
22 but I don't recall who that was. But I know  
23 there was -- we worked with someone before Scott  
24 that initially, I think, registered it or, you  
25 know, whatever it takes to get something going.

1 Q. Do you know who it was that registered  
2 the website?

3 A. I do not.

4 Q. Is the website address for H&S  
5 Performance www.h&sperformance.com?

6 A. Yes.

7 Q. Who was involved in the operation of  
8 the website?

9 A. Our web team.

10 Q. And the web team was comprised of H&S  
11 employees, correct?

12 A. Yes.

13 Q. To your knowledge, was there any type  
14 of e-mail account associated with the  
15 h&sperformance.com website?

16 A. There would have been a -- an  
17 info@h&sperformance.com.

18 Q. And did H&S receive e-mails to the  
19 info@h&sperformance.com account?

20 A. Yes.

21 Q. And who would have read those e-mails?

22 A. That would have been varied by the  
23 year, the day. That got moved around quite a  
24 bit, depending on what employees we currently  
25 had.

1 Q. Was it primarily the web team?

2 A. I would say no, not primarily the web  
3 team. I would say that -- I don't know there  
4 would be a primarily. It was kind of given to a  
5 lot of different people, depending on the  
6 employee level and who we currently had.

7 Q. How did that work? Did various people  
8 have access to this account?

9 A. Yes.

10 Q. And how many e-mails a day would you  
11 say that you received at that website --

12 A. I would --

13 Q. -- account?

14 A. -- literally have not a guess.

15 Q. So did an H&S employee access the  
16 account, review the requests that came in via  
17 e-mail, or the information that came in via  
18 e-mail, and then farm that out to someone to  
19 answer?

20 A. Yeah. They would be -- they would  
21 attempt to answer it, whoever was answering them  
22 at the time, which could have been three or four  
23 people sharing it. And I believe that they would  
24 answer to the best of their knowledge. And if  
25 they couldn't, then they were -- they would seek

1 out the answer, you know, through the company.

2 Q. Was this e-mail address,  
3 info@h&sperformance.com, password protected?

4 A. Yes.

5 Q. And who would have had the password to  
6 that e-mail address?

7 A. All of the different employees that  
8 would have been given that job.

9 Q. Was there a manager for that  
10 particular --

11 A. No.

12 Q. -- job?

13 Do you have any information that that  
14 e-mail address was hacked or otherwise accessed  
15 by other -- an H&S employee?

16 A. No.

17 Q. Are you aware that there were  
18 discussion forums on the H&S Performance website?

19 A. Yes.

20 Q. Do you know whose idea it was to have  
21 discussion forums?

22 A. I believe our web team.

23 Q. What was the purpose of the discussion  
24 forums?

25 A. To minimize technical support based on



1 other people helping other people.

2 Q. Were there particular topics that your  
3 web team or you wanted to address in the  
4 discussion form?

5 A. Not specifically, no.

6 Q. Turning to Exhibit 19. Have you ever  
7 seen this exhibit?

8 A. No.

9 Q. At the top of the page it says --  
10 underneath "Forgot your password," "H&S  
11 Performance 6.4L Powerstroke 6.4L Powerstroke  
12 Tech Questions."

13 Do you know who would have set up that  
14 information in the forum?

15 A. The web team.

16 Q. And underneath that line there's a  
17 line that says "What settings for best MPG?"

18 A. Uh-huh.

19 Q. "MPG" you previously testified stands  
20 for miles per gallon, correct?

21 A. Yes. Commonly referred to, yes.

22 Q. And underneath that there's a post by  
23 Dennis the Menace. Do you know Dennis the  
24 Menace?

25 A. I don't.

1 Q. And Dennis the Menace is referencing  
2 in his post what settings are best for daily  
3 driving.

4 A. Okay.

5 Q. Is it your understanding that daily  
6 driving is not in a competition?

7 A. Yes.

8 Q. And per Dennis the Menace's post, he  
9 would have been using the H&S Performance Mini  
10 Maxx device?

11 A. It looks to be so.

12 Q. Underneath the posting by Dennis the  
13 Menace, a posting by Superduty 6.4. Do you  
14 understand who Superduty 6.4 is?

15 A. I don't.

16 Q. From his post can you tell what device  
17 he is using for his vehicle?

18 A. Looks like the H&S Mini Maxx.

19 Q. What does it mean when Superduty 6.4  
20 says -- if you know -- "I run hot damn on 'hot'  
21 but I don't do a lot of highway driving" -- or  
22 some version of that because he's misspelled some  
23 things here.

24 A. Right.

25 Q. So what does he mean by "I run hot

1 damn on hot"?

2 A. That would just be a specific  
3 calibration.

4 Q. For his Mini Maxx?

5 A. Yes. Just a power level.

6 Q. To your knowledge, is this exhibit a  
7 complete and accurate representation of this  
8 forum on what settings for best MPG?

9 A. I don't understand that question.

10 Q. I'm just asking do you think this has  
11 been in any way altered --

12 A. Oh.

13 Q. -- from what would have been on your  
14 website?

15 A. I would have no reason to believe.  
16 I've never seen it before so I wouldn't know if  
17 it had been altered.

18 Q. So have you ever been on the forum  
19 portion of your website?

20 A. Yes.

21 Q. But you don't recognize this  
22 particular posting?

23 A. No. No. I would say I see one-tenth  
24 of a percent of what would be posted.

25 Q. Well, how many forums were there on

1 your website?

2 A. There's one forum.

3 Q. Right.

4 A. But there could be one to 500 posts a  
5 day on any particular forum. So...

6 Q. So are you saying there's one forum  
7 with multiple questions, and for each one of  
8 those questions, topics, there may have been  
9 different posts?

10 A. Yes. How -- how it would break down  
11 is we have one forum, and there would be  
12 sub-forums, which would break it down by model  
13 year. Then within those sub-forums, anybody can  
14 create a topic, which is the "What settings for  
15 best MPG?" which was started by Dennis the  
16 Menace, it appears, would be -- you know, that's  
17 not a -- that's not a sub-topic or a subheading  
18 of what H&S has. That is something that he  
19 created within the forum on his own.

20 Q. And the web team is responsible for  
21 running the website and, therefore, handling the  
22 forum -- the operation of the forum?

23 A. Their title would be to make sure that  
24 it's working, yes.

25 Q. Okay. Thank you.

1                   Turning to Exhibit 20. Do you  
2 recognize this exhibit?

3           A.       I don't.

4           Q.       How often would you look at the forums  
5 on the H&S Performance website?

6           A.       It varied. Sometimes I would look at  
7 it -- glance at it once a day. Other times it  
8 would be weeks or months where I wouldn't look at  
9 it. But my -- my only concern was when I would  
10 look at it was that occasionally we get spammers,  
11 hackers, things that would just completely take  
12 over the front page by posting advertisements and  
13 things. And that was my only kind of check was  
14 to make sure that that wasn't happening.

15          Q.       Okay. And if you were to see that  
16 that had happened, would you contact a member of  
17 your web team --

18          A.       Yes, I would.

19          Q.       -- to remove that content?

20          A.       Yes.

21          Q.       So turning back to Exhibit 20. I  
22 believe this sub-forum addresses the setting on  
23 Mini Maxx for the best fuel mileage; is that  
24 correct?

25          A.       Uh-huh.

1 Q. There's a posting by cwbymt1973. Are  
2 you familiar with that individual?

3 A. I'm not.

4 Q. And he's asking the question:

5 "What setting is everyone running  
6 on their Mini Maxx for the best  
7 fuel mileage?"

8 Correct?

9 A. That's correct.

10 Q. He's using an H&S device and he's  
11 trying to get his best fuel mileage?

12 A. Doesn't state he's using one. Looks  
13 like he's just asking. So I don't know if that's  
14 a question before he purchased or -- I don't  
15 know.

16 Q. So going to the next post, GaLawnCare,  
17 this individual. Do you know GaLawnCare?

18 A. I don't.

19 Q. He references "Hot damn 300." What is  
20 that, if you know?

21 A. Just another name for the calibration  
22 power level.

23 Q. And that's a calibration power level  
24 on the Mini Maxx?

25 A. Yes.

1 Q. Continuing on to the second page of  
2 Exhibit 20, there's a posting at the top by  
3 Cumminsmaxx?

4 A. This one? Sorry. Which page?

5 Q. Second page. Do you see the post at  
6 the top by Cumminsmaxx, post No. 8860?

7 A. Yes.

8 Q. In reading his post, does he appear to  
9 be using his Mini Maxx, as identified in his  
10 information below, on the highway?

11 A. He references highway, but I -- it  
12 doesn't say in what country, or where or  
13 anything.

14 Q. If you --

15 A. But yes.

16 Q. -- skip to the last line of his post.  
17 Could you read that outline to me? The last  
18 sentence.

19 A. Let's see:

20 "I live in PA this road salt and  
21 snow kills these trucks around  
22 here so I had no problem doing  
23 it."

24 Q. Do you know what "PA" means?

25 A. I don't.

1 Q. Have you ever heard of PA as the  
2 abbreviation for Pennsylvania?

3 A. I have heard that, yes.

4 Q. To the best of your knowledge, is this  
5 exhibit a complete and accurate representation of  
6 H&S's forum on settings on Mini Maxx for best  
7 fuel mileage?

8 A. To my knowledge, yes.

9 Q. Turning to Hugie Exhibit 21. Do you  
10 recognize this exhibit?

11 A. I do not.

12 Q. From the website address at the top,  
13 does it appear to be another forum on the H&S  
14 Performance website?

15 A. It does.

16 Q. And based on what you described to me,  
17 the topic for this forum would be SCR delete  
18 versus DPF delete, correct?

19 A. Correct.

20 Q. And those would be alterations of the  
21 pollution control technology from the original  
22 manufacture settings on a truck; is that correct?

23 A. Correct.

24 Q. And these individuals would be posting  
25 on this particular topic? This is the way the



1 forum was set up?

2 A. Yes.

3 Q. So turning to Page 2, if you see the  
4 post in the middle of the page by My Little  
5 Lightening, do you know who My Little Lightening  
6 is?

7 A. I don't.

8 Q. And underneath that one is a post by  
9 Sooty. Do you know who that is -- that  
10 individual is?

11 A. I do not.

12 Q. My Little Lightening references that  
13 they had spoken to a tech at H&S and it would be  
14 cheaper to buy the five-inch turbo back kit. He  
15 said:

16 "I needed both delete kits that  
17 exceeds the cost of a complete  
18 exhaust."

19 Can you explain what that means. And  
20 if it helps, that post is repeated below and the  
21 response by GaLawnCare.

22 A. Sure. Sounds -- my interpretation  
23 would be that someone had called to the H&S  
24 technical support department who had inquired  
25 about certain deletes, and they had given them a

1 recommendation of what -- what those physical  
2 parts would need.

3 Q. Do you know who would have responded  
4 to My Little Lightening?

5 A. What do you mean "responded to"?

6 Q. Who the tech at H&S might be?

7 A. Oh. That he would be referring to in  
8 his post?

9 Q. Yes.

10 A. I do not.

11 Q. Would the delete kits referenced by My  
12 Little Lightening alter the pollution control  
13 technology in a vehicle?

14 A. Yes.

15 Q. And those alterations would be from  
16 the original equipment manufacturer settings?

17 A. Yes.

18 Q. To your knowledge, is Exhibit 21 --  
19 Hugie Exhibit 21 -- a complete and accurate  
20 representation of this forum by H&S Performance  
21 on SCR delete versus DPF delete?

22 A. To the best of my knowledge.

23 Q. Moving on to exhibit -- Hugie Exhibits  
24 22 and 23. If you can review those exhibits.

25 A. Okay.

1 Q. Do you recognize Exhibit 23?

2 A. I vaguely remember this, yes.

3 Q. Do you know what the Duramax forum is?

4 A. I do.

5 Q. And what is it?

6 A. Just a forum for Duramax owners to  
7 converse.

8 Q. At any time was H&S Performance a  
9 supporting vendor?

10 A. Yes.

11 Q. What does that mean to be a supporting  
12 vendor?

13 A. That just means -- that gives you the  
14 ability to discuss anything to do with your  
15 product.

16 Q. Do you know when H&S became a  
17 supporting vendor?

18 A. Not specifically.

19 Q. So turning to the first page of  
20 Exhibit 23, which is a post on the Duramax forum  
21 about H&S Performance. If you look under the  
22 "Administrator," in the middle of the page, it  
23 says, "Welcome H&S Performance!"

24 Does that refresh your recollection of  
25 when H&S Performance became a supporting vendor

1 of the Duramax forum?

2 A. Just based on this information, it  
3 doesn't have me remember any more. It just, wow,  
4 that kind of clears it up.

5 Q. Okay. So there's a date of July 31st,  
6 2009?

7 A. Yes.

8 Q. So do supporting vendors of the  
9 Duramax forum have any particular  
10 responsibilities?

11 A. No, not any in particular. It just  
12 gives them the ability to discuss products.

13 Q. Do you know how H&S became involved in  
14 the Duramax forum?

15 A. Not specifically, no.

16 Q. Was there a contact at the forum that  
17 you knew?

18 A. I do know that I was the one that  
19 signed a paperwork or whatnot with them, and  
20 can't remember if we sent them a check or paid  
21 them a credit card fee. But, yeah, I was the one  
22 that was in contact with them, but I don't know  
23 specifically.

24 Q. So H&S paid the Duramax forum to be a  
25 supporting vendor?

1 A. Correct.

2 Q. Do you recall the amount of the  
3 payment?

4 A. I don't.

5 Q. Was it a one-time payment?

6 A. No, it was a recurring subscription.  
7 Couple hundred dollars, I don't --

8 Q. Every month? Or on a yearly basis?

9 A. I believe it was 1- to 200 a quarter,  
10 I think, is how they billed.

11 Q. Did you monitor the Duramax forum?

12 A. Monitor, no. Occasionally see it and  
13 make an occasional post, yes.

14 Q. Okay. If you turn to Page 2 of  
15 Exhibit 23. In the middle of the page there is a  
16 posting by H&S Tech. And near the bottom of the  
17 page there's a posting by H&S Performance.

18 A. Okay.

19 Q. Do you recognize the posting by H&S  
20 Performance?

21 A. I do.

22 Q. Is that your name associated with this  
23 post?

24 A. It is.

25 Q. And the name "H&S Performance" as a

1 post individual is separate from the H&S Tech  
2 post. Do you know why there were two separate  
3 accounts associated with the Duramax forum?

4 A. They -- when you get a -- when you're  
5 a supporting vendor, they give you, I believe, up  
6 to six or seven user names that you can have  
7 different people on there. So...

8 Q. So were you the primary user of the  
9 H&S Performance name?

10 A. Not necessarily.

11 Q. Who other -- what other user might  
12 have been associated with the H&S Performance  
13 name?

14 A. At some point the web team also had  
15 access to these forums, if needed. It could post  
16 or --

17 Q. And then if you look at the H&S Tech  
18 name above, do you know who would have had access  
19 to the H&S Tech name?

20 A. I don't.

21 Q. Would it have been someone on the web  
22 team?

23 A. I would assume so, but I -- I don't  
24 know at this point.

25 Q. So was there an e-mail account

1 associated with the forum?

2 A. Only just to be a supporting vendor  
3 and paying the bill, there was e-mail associated  
4 with that.

5 Q. And then how did H&S Performance post  
6 on the Duramax forum?

7 A. Just with the -- your log in name and  
8 it shows on there, and then a password.

9 Q. And who was in control of the  
10 password?

11 A. Could have been several people: The  
12 web team, myself.

13 Q. But all of the individuals in charge  
14 of the password worked for H&S Performance,  
15 correct?

16 A. I believe so.

17 Q. Did you have any information that the  
18 account associated with the Duramax forum for H&S  
19 Performance was hacked or otherwise accessed by  
20 other than an H&S employee?

21 A. No.

22 Q. To your knowledge, is this Exhibit 23  
23 a complete and accurate representation of the  
24 introduction of H&S Performance as a supporting  
25 vendor on the Duramax forum website?

1           A.       Yes.

2           Q.       Turning to Exhibit 22.   Hugie  
3 Exhibit 22.   Do you know how particular questions  
4 were raised on the Duramax forum?

5           A.       I don't.

6           Q.       So in the middle of exhibit -- well,  
7 towards the top of Exhibit 22, it says, "What  
8 level do you run on your H&S?"   Is that a  
9 question that might have been asked by someone  
10 participating in the forum?

11          A.       That first thing is always going to be  
12 whoever's listed first.   So that would have been  
13 R Stone would have asked that question.

14          Q.       Do you know who R Stone is?

15          A.       I don't.

16          Q.       Do you know what R Stone means by:  
17 "I have been running mine on the  
18 wild tune but it seems like it  
19 gets better mileage on the hot  
20 tune"?

21          A.       He'd be referencing power levels of  
22 calibrations.

23          Q.       Do you know which tuner he would have  
24 been using?

25          A.       From his post, it looks like the



1 XRT-Pro.

2 Q. And he's using that on a GMC 2500; is  
3 that correct?

4 A. According to his post.

5 Q. According to his post.

6 Turning to --

7 A. And just to -- just to clarify and  
8 demystify, some of these Internet forums, that's  
9 what they call their signature. I've seen those  
10 as out date as ten years of people (sic). That's  
11 not something that they're required to update.  
12 That may not necessarily -- that just shows up  
13 every time he posts.

14 So he -- a lot of times people own  
15 multiple vehicles, and so that necessarily  
16 doesn't coincide with his post because -- and  
17 maybe it -- I'm not saying it doesn't, I'm  
18 just -- as a general reference, that's going to  
19 show up on every post he makes, regardless of  
20 what he's talking about.

21 So I have seen several times where  
22 they're talking about something that doesn't  
23 reference what their signature says.

24 Q. So I understand you explaining that  
25 the signature may be outdated. But in this

1 particular signature, the post is dated  
2 12-23-2011 and he's referencing a 2011 motor  
3 vehicle, correct?

4 A. He's not -- he doesn't reference  
5 anything as far as a year, make, model. His  
6 signature states 2011 GMC. Again -- but he  
7 didn't post that. That's just auto posted for  
8 him from a previous time that he filled out his  
9 -- when you register for the forum it asks you  
10 what kind of vehicle you have, or you want, or  
11 whatnot. It doesn't say specifically in this  
12 what he's referencing. So just...

13 Q. But the individual responsible for  
14 this account creates their own signature,  
15 correct?

16 A. They do.

17 Q. And it would seem extremely unlikely  
18 that he could have created this a number of years  
19 ago since he's referencing a 2011 motor vehicle,  
20 correct?

21 A. I would agree with that.

22 Q. And the XRT-Pro was not available  
23 prior to 2008, correct?

24 A. Correct.

25 Yeah, not trying to dispute that one,

1 just so you have understanding of forums.

2 Q. Thank you. I'm not a regular  
3 participant in such forums.

4 A. I'm not either. So...

5 Q. Turning to the post after R Stone's, a  
6 post by B Hinson. Do you know B Hinson?

7 A. I don't.

8 Q. Mr. Hinson represents -- or B Hinson  
9 represents that he's towing his boat on a  
10 1200-mile round trip. To your knowledge, would  
11 such a trip be a competition?

12 A. No. But it -- I also wouldn't be able  
13 to say where in the -- in the world that would be  
14 happening. But I -- I wouldn't be able to assume  
15 anything based on that.

16 Q. To your knowledge, is the Duramax  
17 forum topic "What level do you run on your H&S?"  
18 a complete and accurate representation of the  
19 Duramax forum posting as of December 24th of  
20 2012?

21 A. I've only seen it once, so I would  
22 assume. I have no other reason to believe that  
23 it would be altered.

24 Q. Thank you.

25 I'm going to turn to Hugie Exhibits 30

1 and 31.

2 Do you recognize these exhibits?

3 A. I do.

4 Q. Can you describe for me what  
5 Exhibit 30 is.

6 A. An advertisement for H&S Performance.

7 Q. Do you know who developed this  
8 advertisement?

9 A. The web team.

10 Q. Do you know if this advertisement  
11 occurred in publications in the United States?

12 A. I don't.

13 Q. Was there a budget in the web team  
14 department for publication of such advertisement?

15 A. Not a particular budget, no.

16 Q. Was there money available --

17 A. Yes.

18 Q. -- for the publication of such  
19 advertisement?

20 A. Yes.

21 MR. CLARKSON: Make sure she finishes  
22 her question before you answer.

23 THE WITNESS: Okay.

24 Q. BY MS. CABALLERO: Do you know of any  
25 magazine in which this advertisement would have

1 been posted?

2 A. Not this particular advertisement, no.

3 Q. So looking at Exhibit 30, at the top  
4 of the page there's a reference to a Ford 6.4L,  
5 Dodge 6.7L, and LLM Duramax. What does that  
6 mean?

7 A. Those would be the -- the engines in  
8 those particular manufacturer's trucks that the  
9 product would work on.

10 Q. And turning to the Black Maxx Race  
11 Tuner section, under the word "Applications."  
12 Would those have been the trucks for which the  
13 Black Maxx could be used?

14 A. Yes.

15 Q. And under Applications it says it  
16 turns off the DPF and the EGR systems. Are those  
17 the pollution control systems?

18 A. Yes.

19 Q. Does that mean that the Black Maxx  
20 altered the DPF and EGR systems from the OEM  
21 design?

22 A. It was possible.

23 Q. It's possible? Or it did that?

24 A. It was possible. There was the option  
25 to do either no interaction with the emission

1 system or to turn it off for international use.

2 Q. Did H&S Performance monitor  
3 international use?

4 A. I'm not sure what you mean by  
5 "monitor."

6 Q. When this device was sold to the  
7 customers, particularly the customers and devices  
8 on Hugie Exhibits 4 and 5, was there any  
9 limitation in place such that the devices would  
10 not be used in the United States?

11 A. I don't. Other than warning labels on  
12 advertisements, boxes. The tuners themselves had  
13 a multipage and multi- -- agreed to that -- they  
14 had to agree that they were not within the United  
15 States and that where they were using it was  
16 legal in their jurisdiction, and that if they  
17 didn't accept those terms then it would reboot  
18 the unit back.

19 Q. Did H&S monitor acceptance of the  
20 terms that you've identified?

21 A. No. We would have no way to monitor  
22 if they were accepting or not.

23 Q. So in essence, this was a  
24 self-certification by the customer that they were  
25 following the direction of H&S to not use the

1 device, other than for competition or  
2 internationally?

3 A. Correct.

4 Q. Moving on to the Mini Maxx portion of  
5 the advertisement, under "Applications," the  
6 information there. Is that the information  
7 regarding the different trucks on which the  
8 device could be used?

9 A. Yes.

10 Q. And also turning to the statement in  
11 the advertisement that says "Turns off DPF and  
12 EGR systems." Is that an alteration of the  
13 pollution control technologies in the vehicle  
14 from the OEM?

15 A. Yes. Again, an option for it, yes.

16 Q. And moving on to the XRT Race Tuner.  
17 Are the applications for the tuner as listed  
18 under the Applications portion of the  
19 advertisement adjacent to the XRT Race Tuner box?

20 A. Yes, those are the applications.

21 Q. And the XRT Race Tuner is identified  
22 as turning off the DPF and EGR systems, correct?

23 A. Correct.

24 Q. And those are the pollution control  
25 technology systems originally installed in the

1 trucks by the manufacturers?

2 A. Correct.

3 Q. Looking at the left of this

4 advertisement under the "Powerstroke," "Duramax,"

5 "Cummins" names, what does it mean that tunes are

6 available for factory emissions equipment or

7 DPF/EGR removal?

8 A. It means that all of the tuners came

9 with calibrations to work with the factory

10 emission equipment or for international use could

11 remove the -- the DPF and the EGR, and the

12 software would work with it.

13 Q. But H&S did not restrict in its sales

14 only international use, correct? In other words,

15 the products were provided to distributors within

16 the United States?

17 A. Correct.

18 Q. Turning to Hugie Exhibit 31. Do you

19 recognize this exhibit?

20 A. Vaguely, yes. Looks like it could be

21 an advertisement.

22 Q. Do you know where this advertisement

23 was printed?

24 A. I do not.

25 Q. Do you know who developed this



1 advertisement?

2 A. I do not.

3 Q. Would it have been developed by  
4 someone on the web team?

5 A. I would assume that the web team would  
6 have done this.

7 Q. Did you direct the web team to create  
8 advertisements like this?

9 A. On occasion, yes.

10 Q. I believe you said earlier you had a  
11 graphic designer who worked with you?

12 A. Chad.

13 Q. Chad.

14 Would Chad have worked on these types  
15 of advertisement?

16 A. Yes. All of the web team were  
17 proficient in graphic art and web development,  
18 but Chad was just initially hired as a graphic  
19 artist. But all of the web team were capable of  
20 web and graphic.

21 Q. So this advertisement was created by  
22 an H&S employee?

23 A. I believe so, yes.

24 Q. This identifies your three main tunes,  
25 XRT, Black Maxx, and Mini Maxx. And underneath

1 each of those boxes it identifies the trucks on  
2 which these devices could be used, correct?

3 A. Correct.

4 Q. And the statement underneath that:

5 "Tunes available for: Factory  
6 emissions equipment or DPF/EGR  
7 removal."

8 Does that mean, as you've just  
9 previously described, for Exhibit 30?

10 A. Yes.

11 Q. Those are the two choices, either  
12 working with the factory emissions or removing  
13 the factory emissions -- the removal of the  
14 DPF/EGR; is that correct?

15 A. Correct.

16 Q. In this particular advertisement, do  
17 you recognize these trucks?

18 A. Yes.

19 Q. Are these trucks owned by H&S  
20 Performance?

21 A. They would either have been as  
22 discussed earlier: Owned by H&S, owned by me,  
23 owned by Bentley. I do know that truck on the  
24 left is a Dodge and that was originally owned by  
25 me. But I don't know that, at some point, it may

1 have been purchased by the company or -- I don't  
2 know the exact titling of those but, yes, those  
3 were used by H&S Performance.

4 Q. Are these licensed motor vehicles? In  
5 other words, vehicles licensed in the state of  
6 Utah?

7 A. At some point, yes. And some were not  
8 registered for extended periods of time during  
9 testing or -- but, you know, ultimately when they  
10 were first purchased I assume that they would  
11 have to be -- to be sold.

12 Q. Can you clarify "to be sold"? What do  
13 you mean?

14 A. They would have to be registered or  
15 whatnot to be sold.

16 Q. And do you assume that? Or do you  
17 know that when the vehicles are purchased from  
18 the dealers that they were licensed for use in  
19 the state of Utah?

20 A. I'm assuming.

21 Q. But you don't know?

22 A. I don't know for a fact. The only one  
23 I know for a fact would be the Dodge that I had  
24 previously owned.

25 Q. And you're referencing the truck under

1 the word "Bring" --

2 A. Yes.

3 Q. -- on Exhibit 31?

4 And that truck is a licensed motor  
5 vehicle?

6 A. Yes.

7 Q. Is this a picture that has been taken  
8 at H&S, do you know? The background of this  
9 advertisement?

10 A. I don't know where the picture -- from  
11 this, I don't know if that's photoshopped or  
12 those three were taken together. I -- I don't  
13 know.

14 Q. Okay.

15 A. Kind of hard to tell.

16 Q. To your knowledge, is this Exhibit 31  
17 a complete and accurate representation of the  
18 advertisement created by H&S Performance?

19 A. I believe so.

20 Q. And turning back to Exhibit 30. To  
21 your knowledge, is Exhibit 30 a complete and  
22 accurate representation of an advertisement  
23 created by H&S Performance?

24 A. I believe so.

25 Q. Given the testimony that you have

1 provided regarding your advertisements, Facebook,  
2 the Duramax forum, the H&S Performance website,  
3 and YouTube to the extent that you used it, are  
4 you aware that your products, the Mini Maxx, the  
5 Black Maxx, and the XRT-Pro, have been used for  
6 on-road activities?

7 A. I got lost in there, sorry.

8 MS. CABALLERO: Can you read back the  
9 question.

10 (The pending question was read back.)

11 THE WITNESS: I guess I'm still trying  
12 to wrap my head around the question of it would  
13 be talked about in reference to my testimony of  
14 Facebook and things like that. I'm -- am I aware  
15 that the products were being used on the road?

16 Q. BY MS. CABALLERO: That's correct.

17 A. Okay. Sorry, I --

18 Q. It was a long question. Yes, I  
19 understand.

20 A. Short attention span over here.

21 No. I mean, I would assume that based  
22 on some of this information that it's possible  
23 that someone or some people have used them on the  
24 road. But me personally know that these  
25 customers are using them on the road? No.

1 Q. Okay. Moving on to Hugie Exhibit 32,  
2 33, and 34. If you would familiarize yourself  
3 with those exhibits.

4 A. Okay.

5 Q. Do you recognize Hugie Exhibit 32?

6 A. Yes.

7 Q. What is it?

8 A. It is a request for information dated  
9 March 14th of 2013.

10 Q. From the Environmental Protection  
11 Agency?

12 A. Yes.

13 Q. And do you recognize Exhibits 33 and  
14 34?

15 A. Yes.

16 Q. And what are they?

17 A. That is the response to the request  
18 for information.

19 Q. And did you assist in providing this  
20 response?

21 A. Let me read through it one more time  
22 and see what...

23 Yes, there are portions of this that I  
24 believe assisted with.

25 Q. Turning to Exhibit 33, if you flip to

1 the third page. There's a discussion of the  
2 custom hardware close to the bottom.

3 A. What's the --

4 Q. And so it's 1n, and then it's Roman  
5 iv.

6 A. Yes.

7 Q. A discussion of the custom hardware  
8 pieces that are designed and built at H&S to  
9 reverse engineer factory calibration information.

10 And then directly above that in level  
11 iii there's the dealer level -- the hardware that  
12 are utilized in the design and engineering  
13 phases.

14 Do you recall this portion of the  
15 response?

16 A. That would have been provided by  
17 Bentley.

18 Q. Okay. So in Section 1n, Roman iii of  
19 this response when it reference "TechII," do you  
20 know what that is?

21 A. I do.

22 Q. And what is that?

23 A. That is a General Motors diagnostic  
24 tool.

25 Q. And is that something that H&S

1 Performance owns?

2 A. I believe so.

3 Q. Did you own it any time? TechII?

4 A. I know we've had one in the shop. I  
5 don't know if we own it or we borrowed it or --

6 Q. If you borrowed it, who would you have  
7 borrowed it from?

8 A. Any -- probably 20 repair shops in  
9 town that would own one.

10 Q. Okay. Do you know what the Star  
11 Mobile reference is there in that section of the  
12 208(a) response?

13 A. Yes. That would be the -- a -- it's  
14 Chrysler specific diagnostic tool.

15 Q. Is that a tool that H&S Performance  
16 would own?

17 A. Yes, we do own that.

18 Q. Are you familiar with the WiTech --

19 A. Yes.

20 Q. -- device?

21 And what is that?

22 A. Also a diagnostic tool for Chrysler  
23 vehicles.

24 Q. Does H&S Performance own the WiTech?

25 A. I don't believe -- I don't believe we



1 own one.

2 Q. Did you borrow that device?

3 A. We have in the past, I believe,  
4 borrowed it, but I -- I wouldn't know where we  
5 would have borrowed it.

6 Q. Is it possible you would have borrowed  
7 it from PDI?

8 A. It's possible.

9 Q. Does H&S often borrow equipment from  
10 PDI?

11 A. No.

12 Q. Why would you have borrowed the WiTech  
13 rather than acquire your own?

14 A. The cost, I would assume. I know we  
15 initially looked at purchasing one, but I think  
16 they were -- I don't remember the amount of  
17 money, but at the time it was, wow, that's too  
18 expensive to buy and we only need it for five  
19 minutes.

20 Q. Do you know what the IDS is?

21 A. That is the Ford's -- that is a Ford  
22 specific diagnostic tool.

23 Q. Does H&S Performance own the IDS?

24 A. I do not know that.

25 Q. Might you have borrowed the IDS from

1 anyone?

2 A. That I don't know. I've never  
3 personally used it. So...

4 Q. Does H&S have custom hardware?

5 A. According to this we do.

6 Q. Do you know how that custom hardware  
7 is built?

8 A. It looks like, according to this that  
9 Bentley responded to, that I believe the NeoVi is  
10 a -- just a computer diagnostic equipment that  
11 can be custom configured to work on a specific --  
12 a specific computer.

13 But I think that there -- the NeoVi --  
14 NeoVi Fire and the CAN Bus diagnostic equipment  
15 is -- is generic computer diagnostic for anything  
16 from a laptop PC to a vehicle computer.

17 Q. Have you ever worked with the NeoVi  
18 Fire before?

19 A. I have not.

20 Q. Have you worked with the CAN Bus  
21 diagnostics before?

22 A. No.

23 Q. So who would have worked with this  
24 equipment?

25 A. I would assume Bentley.

1 Q. And do you know the purpose of this  
2 equipment?

3 A. It's to basically look at the factory  
4 calibrations or the factory software.

5 Q. And for what purpose to look at the  
6 factory calibration software?

7 A. To be able to understand it.

8 Q. And for what purpose would H&S  
9 Performance want to understand it?

10 A. To be able to modify it.

11 Q. And that would include modification in  
12 order to disable or alter the original equipment  
13 manufacturer's settings for the pollution control  
14 technologies?

15 A. One of the reasons, yes.

16 Q. Moving on to Exhibit 34. Hugie  
17 Exhibit 34. Were you involved in preparing this  
18 response?

19 A. I may have submitted it, but it looks  
20 to me that Bentley provided all the actual  
21 information.

22 Q. Are you familiar with the calibration  
23 changes that H&S Performance would engage in for  
24 a motor engine such as described here?

25 A. I understand the basics, yes.

1 Q. On a daily basis would you work on  
2 this type of information?

3 A. No.

4 Q. So this exhibit references  
5 calibrations including injection duration. Do  
6 you know what the purpose of calibrating  
7 injection duration is?

8 A. Yes.

9 Q. What is that purpose?

10 A. That's what's going to change the --  
11 basically the horsepower level.

12 Q. And do you know what the purpose is of  
13 calibrating the injection timing?

14 A. The same. It would affect the power  
15 level.

16 Q. And do you know what the purpose is  
17 for calibrating the diagnostics manipulation?

18 A. That would be to control the -- the  
19 check engine light.

20 Q. And what was the purpose of  
21 controlling the check engine light?

22 A. For the international export tuning it  
23 would allow the removable -- remove -- removing  
24 of equipment without a check engine light.

25 Q. Only for international clients?

1           A.       That's our intention, yes.

2           Q.       But in practice, you sold devices to  
3 distributors located in the United States; is  
4 that correct?

5           A.       Yes, that also have international  
6 customers themselves, to a warehouse there.

7           Q.       Moving on to the calibration involving  
8 sensor manipulation. What was the purpose of  
9 that calibration?

10          A.       I would have to read, if you can give  
11 me a second.

12          Q.       Sure.

13          A.       That is above my pay grade. I'm  
14 sorry.

15          Q.       Okay. So you didn't design the  
16 calibrations for the H&S Performance devices?

17          A.       No.

18          Q.       And was that Bentley and his team --

19          A.       Yes.

20          Q.       -- in product development?

21          A.       Yes. But as discussed when we first  
22 started the business, we both did everything, so  
23 I was vaguely familiar. That's why I kind of  
24 know the injection duration and the timing. I  
25 was somewhat involved in the early stages of

1 knowing what that is. But once it progressed  
2 past that, I don't know.

3 Q. Do you know what a turbocharger is?

4 A. Yes.

5 Q. And what is that?

6 A. A physical piece of hardware on the --  
7 on a vehicle that as exhaust passes through it,  
8 it's going to spin and compress air which is  
9 introduced into the engine.

10 Q. And is the purpose of that to increase  
11 horsepower?

12 A. Not necessarily, no.

13 Q. And what is the purpose of that?

14 A. The turbocharger's going to either  
15 make it more efficient, it's going to be able to  
16 add horsepower with less fuel. There's just --  
17 there's a lot of -- it's a pretty broad range of  
18 what a turbocharger's going to do.

19 Q. Do you know what a turbocharger boost  
20 is?

21 A. That's going to be the measure of the  
22 restriction of air it's producing to go into the  
23 engine.

24 Q. Is a turbocharger boost an alteration  
25 from the original equipment manufacturer settings

1 in the vehicle?

2 A. Can you clarify.

3 Q. The turbocharger boost is intended for  
4 use on a motor vehicle, correct?

5 A. Well, the turbocharger is. Boost is a  
6 product of the --

7 Q. So it's the magnitude of change of the  
8 turbocharger?

9 A. No. It's just a measure of what the  
10 turbocharger is currently doing.

11 Q. Okay.

12 A. Sorry, I guess I'm not understanding  
13 what you're looking for.

14 Q. That's okay. I'll be helped out by  
15 Tony.

16 Does a turbocharger boost allow more  
17 fuel to be injected into the engine?

18 A. No.

19 Q. Do you know what a high sulfur  
20 calibration is?

21 A. Yes.

22 Q. What is a high sulfur calibration?

23 A. That is a export calibration that  
24 would allow the customer to remove certain  
25 emissions equipment with the H&S product.

1           Q.       Is H&S currently offering a high  
2 sulfur calibration?

3           A.       No.

4           Q.       Have you offered one in the past?

5           A.       Yes.

6           Q.       Who was it offered to?

7           A.       International customers that -- or  
8 domestic customers that could prove that the  
9 vehicle was -- if in the U.S., that it was either  
10 military or dedicated race. Or out of the  
11 country, if they could prove that it's registered  
12 out of the country and that that's where the  
13 vehicle is going to reside.

14          Q.       Was the high sulfur calibration option  
15 available on the tuners after receipt of the EPA  
16 NOV in 2012?

17          A.       Yes.

18                   MS. CABALLERO: I think we are close  
19 to being done. We'd like to take a quick break  
20 and come back and ask you some more questions.

21                   THE WITNESS: Okay.

22                   MS. CABALLERO: Thank you.

23                   (There was a break taken.)

24                   MS. CABALLERO: Back on the record.

25          Q.       I think you testified earlier that H&S



1 stopped selling its defeat devices, such as the  
2 XRT-Pro, the Black Maxx, and the Mini Maxx, in  
3 2013; is that correct?

4 A. I believe so, yes.

5 Q. And you also testified that you were  
6 still receiving shipments from Bully Dog in 2014;  
7 is that correct?

8 A. I have to go back and look at those  
9 dates as far as sales just to kind of clarify  
10 that, because we kind of talked about that too.  
11 The dates are just -- but we stopped bulk sales,  
12 I believe, at the end of 2013. And from that  
13 point on there were a few limited sales and  
14 purchases, and those were all verified high  
15 sulfur applications, which were probably 10 to 50  
16 per month.

17 So there was a few, but the initial  
18 sale -- or the actual sale to a distributor, or  
19 the public, or anybody like that, that's what I  
20 meant by stopped sales. After that it was  
21 verified applying customers that wanted a high  
22 sulfur unlock.

23 Q. So when you refer to you stopping bulk  
24 sales in 2013, you mean to the distributors that  
25 you've identified earlier in the Exhibit 5 you

1 believe?

2 A. Correct. And there was a window --  
3 I'm not exactly sure when that stop date was --  
4 but yes. Somewhere near the end of 2013.

5 Q. And then in 2014 you were -- you were  
6 still selling a limited number of devices to  
7 those who had verified to you that they were  
8 eligible for a high sulfur calibration?

9 A. Correct. And then just -- you know,  
10 just to reiterate that time frame, could have  
11 been end of '13, first little bit of '14. But  
12 along that timeline, yes.

13 Q. And can you explain to me "by verified  
14 their information to you."

15 A. They applied via our website and had  
16 documents supporting where the vehicle was  
17 located or being used for.

18 Q. And what sort of documents would have  
19 been used to support their claim?

20 A. Registration in a foreign country, a  
21 certificate of export out of the country. Those  
22 would be the two main ones, I think, that...

23 Q. Was someone at H&S responsible for  
24 reviewing the information that was submitted?

25 A. Yes, but I don't know exactly who.

1 Q. But it was an H&S employee?

2 A. Yes.

3 Q. Okay. We've discussed today that you  
4 have various devices that have been tested and  
5 alter emissions on various trucks. In the course  
6 of those testing activities, were the emissions  
7 captured from the vehicle by any other means?

8 A. No.

9 Q. You've testified that H&S now has  
10 about eight employees, limited availability of  
11 funds in the bank. What is the future plan for  
12 H&S Performance, if you know?

13 A. Our hopeful plan is to be able to hire  
14 more people and build other products. We've got  
15 ideas of -- where now we understand computer  
16 systems, we're looking at other aspects in both  
17 the vehicle industry and the -- the -- the  
18 electronic industry, such as phones, and apps for  
19 phones, and things like that where -- we're kind  
20 of computer guys now and it's kind of what the  
21 company does. So we're hoping to be able to  
22 continue forth along something those lines (sic).

23 Q. And do you personally intend to  
24 continue with H&S Performance?

25 A. I -- that is my goal.

1 MS. CABALLERO: We don't have any  
2 other questions for you at this time. Thank you  
3 for testifying today.

4 We will get a rough draft of the  
5 transcript in approximately eight days, and we'll  
6 then provide that to you for your review. And if  
7 you have any errata, if you would have that  
8 errata notarized and provided to us.

9 MR. CLARKSON: Okay.

10 MS. CABALLERO: But otherwise we are  
11 finished with the deposition testimony.

12 MR. CLARKSON: Okay. We're off the  
13 record.

14 MS. CABALLERO: Off the record.

15 (The deposition was concluded at 2:31 p.m.)

16 (Signature reserved)

17

18

19

20

21

22

23

24

25

1 CERTIFICATE OF NOTARY PUBLIC

2 I, VICKIE LARSEN, the officer before whom  
3 the foregoing deposition was taken, do hereby  
4 certify that the witness whose testimony appears  
5 in the foregoing deposition was duly sworn by me;  
6 that the testimony of said witness was taken by  
7 me in stenotype and thereafter reduced to  
8 typewriting under my direction; that said  
9 deposition is a true record of the testimony  
10 given by said witness; that I am neither counsel  
11 for, related to, nor employed by any of the  
12 parties to the action in which this deposition  
13 was taken; and, further, that I am not a relative  
14 or employee of any counsel or attorney employed  
15 by the parties hereto, nor financially or  
16 otherwise interested in the outcome of this  
17 action.

18

19

20

21

22



Vickie Larsen, CSR/RMR  
Notary Public in and for  
the Commonwealth of Utah

23 My commission expires:

24 November 8, 2015

25 Notary Commission No. 650091

1 A C K N O W L E D G E M E N T O F D E P O N E N T

2

3 I, CASEY SHIRTS, do hereby acknowledge I have

4 read and examined the foregoing pages of

5 testimony, and the same is a true, correct and

6 complete transcription of the testimony given by

7 me, and any changes or corrections, if any,

8 appear in the attached errata sheet signed by me.

9

10

11

12

13

14

15

16

17

18 \_\_\_\_\_  
DATE

\_\_\_\_\_  
CASEY SHIRTS

19

20

21

22

23

24

25

1 Barry Clarkson  
CLARKSON DRAPER & BECKSTROM  
2 162 North 400 East, Suite A-204  
St. George, Utah 84770  
3

4 IN RE: Examination Under Oath of Casey Shirts  
5

6 Dear Mr. Clarkson:

7 Enclosed please find your copy of the  
8 deposition of CASEY SHIRTS, along with the  
9 original signature page. As agreed, you will be  
10 responsible for contacting the witness regarding  
11 signature.

12 Within 21 days of March 20, 2015,  
13 please forward errata sheet and original signed  
14 signature page to counsel for Environmental  
15 Protection Agency, Kathryn Caballero.

16 If you have any questions, please do  
17 not hesitate to call. Thank you.

18 Yours,

19 Vickie Larsen, CSR/RMR  
20 Reporter/Notary  
21

22 Cc:Kathryn Caballero  
23  
24  
25

Capital Reporting Company  
Shirts, Casey 03-10-2015

208

1 Capital Reporting Company  
1821 Jefferson Place, NW  
2 Third Floor  
Washington, D.C. 20036  
3 (202) 857-3376

4 E R R A T A S H E E T

5 Case Name: H&S Performance

6 Witness Name: CASEY SHIRTS

7 Deposition Date: March 10, 2015

8 PAGE-LINE CHANGE/CORRECTION REASON

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 CASEY SHIRTS

DATE



Capital Reporting Company

Shirts, Casey 03-10-2015

Page 1

<u>\$</u>	121:22,23	<b>1994</b> 9:10	<b>2010</b> 15:2,12,22,25
<b>\$1.5</b> 127:13	<b>11:57</b> 129:19	<b>1996</b> 10:11	18:19 21:15
128:15	<b>1100</b> 57:1	<b>1997</b> 9:11	24:11
<b>\$10</b> 121:15	<b>1120</b> 105:4	<b>1n</b> 191:4,18	26:1,14,15,19
<b>\$13</b> 24:8	<b>1120F</b> 107:4 108:6	<b>1st</b> 92:17	30:3,10 59:3
<b>\$15,000</b> 127:18	<b>12</b> 24:7 27:21	<u>2</u>	76:6 90:25
<b>\$2</b> 125:14	37:15 50:15 83:4	<b>2</b> 3:10 84:8,14	92:4,18 93:5,14
<b>\$2,000</b> 57:24	127:18	85:16 87:4,22	125:6 129:12
<b>\$2.4</b> 125:17	<b>1-2</b> 4:2	120:22	<b>2010-2011</b> 85:14
126:10	<b>12:53</b> 129:19	121:3,6,13	<b>2011</b> 59:4 84:19
<b>\$20</b> 19:4	<b>120</b> 3:10	123:12 124:3	88:14 92:18
<b>\$50,000</b> 54:11	<b>1200</b> 2:5	125:4,12 129:5	93:5,14 94:12
125:10	<b>1200-mile</b> 179:10	150:19 155:8	178:2,6,19
<b>\$500</b> 56:13	<b>12-23-2011</b> 178:2	169:3 173:14	<b>2012</b> 24:22,25
<b>\$600</b> 55:12,16	<b>125</b> 1:17	<b>2:31 p.m</b> 204:15	25:20 37:19 76:6
<b>\$75,000</b> 32:21	<b>13</b> 33:21 50:15	<b>20</b> 67:25 113:21	109:3 110:25
<b>\$8</b> 126:13	71:5 83:4 99:12	157:8 165:1,21	121:19 122:2
<b>\$8.1</b> 125:15	110:25 202:11	167:2 192:8	124:4 125:15
<u>0</u>	<b>14</b> 26:17 28:3	207:12	126:13 142:25
<b>08</b> 52:23	33:21 37:15	<b>200</b> 54:8	143:5 179:20
<u>1</u>	52:13,23 64:13	55:12,16,23	200:16
<b>1</b> 3:9 6:4 121:3,12	65:3 72:10 93:8	100:15	<b>2013</b> 17:22 124:7
127:12,14	103:2 110:18,25	110:18,21 111:2	126:12 130:16
128:15 173:9	130:19 135:9	173:9	190:9
<b>1.2</b> 127:8	202:11	<b>2003</b> 7:17 8:7	201:3,12,24
<b>1.5</b> 127:8,14	<b>14th</b> 190:9	<b>20036</b> 208:2	202:4
<b>1.888.628.1730</b>	<b>15</b> 19:3 28:22,23	<b>2004</b> 152:2,21,24	<b>2014</b> 17:22 18:19
97:2	43:22	<b>2005</b> 152:24	24:22 25:20
<b>1:00</b> 129:15	<b>15,000</b> 39:25	<b>2007</b> 6:16,24	26:19 30:10
<b>10</b> 1:10 14:17	<b>1500</b> 57:24	7:2,17 12:6	37:19 52:24
26:17 28:3,22	<b>16</b> 151:12,14	50:15 63:13	55:14 63:1 69:8
63:14 67:25 93:8	152:6,22 153:3	142:25 143:5	98:21 102:17,18
130:19 132:23	154:1	<b>2008</b> 6:16 12:6	121:1 125:7,16
201:15 208:7	<b>162</b> 2:10 207:2	13:19 47:17	126:7,9
<b>10,000</b> 25:8	<b>16th</b> 121:1	52:23 55:14	130:14,23
<b>100</b> 100:15 107:11	<b>17</b> 151:12 154:25	98:17 178:23	131:23 201:6
115:21 119:8	155:9	<b>2008-2014</b> 134:16	202:5
<b>100,000</b> 106:13	<b>18</b> 27:22 151:12	<b>2009</b> 13:19 14:17	<b>2015</b> 1:10 3:11
<b>11</b> 63:14 72:10	156:11	15:2 30:2 47:17	135:18 140:14
	<b>1821</b> 208:1	130:23 172:6	205:24 207:12
	<b>19</b> 157:8 161:6	<b>2009-2010</b> 14:24	208:7
		26:4 29:14	<b>202</b> 208:3
			<b>202.564.1849</b> 2:6
			<b>20460</b> 2:6
			<b>208(a)</b> 135:19
			140:14 192:12

<b>20th</b> 84:19 88:14 92:18	<b>33</b> 190:2,13,25	<b>6</b> 3:9,11 65:12 92:22 93:10 94:12 95:18 125:5,13	<b>90s</b> 21:2
<b>21</b> 157:9 168:9 170:18,19 207:12	<b>34</b> 190:2,14 195:16,17	<b>6.4</b> 155:16 162:13,14,19	<b>94</b> 9:19
<b>21st</b> 90:25	<b>35</b> 69:24	<b>6.4L</b> 161:11 181:4	<b>95</b> 9:10,19
<b>22</b> 170:24 176:2,3,7	<b>37</b> 93:9,20	<b>6.7</b> 93:14	<b>96</b> 11:9,10
<b>23</b> 170:24 171:1,20 173:15 175:22	<b>38</b> 94:11	<b>6.7L</b> 181:5	<b>97</b> 8:22
<b>23rd</b> 135:18	<b>39</b> 43:8,10,11 95:4	<b>600</b> 55:25 56:16,20	<b>98</b> 8:22 9:11
<b>24</b> 30:16,21 34:2 144:20,23 145:6 146:10	<hr/> 4 <hr/>	<b>650091</b> 205:25	<hr/> A <hr/>
<b>246</b> 4:13	<b>4</b> 3:4 56:13 84:10 85:2,4,6,8,9,16 86:1,15 87:4,21 88:11,12,20 182:8	<b>66</b> 89:1,5 90:3	<b>a.m</b> 1:21 129:19
<b>24th</b> 179:19	<b>4,000</b> 18:13 23:25	<hr/> 7 <hr/>	<b>A-204</b> 2:10 207:2
<b>25</b> 54:11 115:21 119:8 144:20 146:15,16,22	<b>40</b> 32:21 43:8,12	<b>7</b> 135:13,14,17	<b>abbreviation</b> 168:2
<b>25,000</b> 106:17	<b>400</b> 2:10 55:20 207:2	<b>70</b> 90:8,11,17	<b>ability</b> 171:14 172:12
<b>250,000</b> 54:9	<b>400,000</b> 110:19,22 111:3	<hr/> 8 <hr/>	<b>able</b> 39:1 44:10 62:23 73:23 86:11 119:15 179:12,14 195:7,10 198:15 203:13,21
<b>2500</b> 177:2	<b>4124A</b> 2:5	<b>8</b> 52:13 63:13 135:13,23,24 136:5 140:8,10 205:24	<b>accept</b> 182:17
<b>26</b> 144:20 148:7,15	<b>4160</b> 11:21 39:8	<b>8.1</b> 126:12	<b>acceptance</b> 182:19
<b>2nd</b> 140:14	<b>435.634.1940</b> 2:11	<b>8:00</b> 97:23 98:5	<b>accepting</b> 182:22
<hr/> 3 <hr/>	<b>450</b> 56:20	<b>8:57</b> 1:21	<b>access</b> 141:7,21 144:17 159:8,15 174:15,18
<b>3</b> 24:19 84:8 85:2 87:21	<hr/> 5 <hr/>	<b>800</b> 56:16	<b>accessed</b> 136:25 137:7 154:14 160:14 175:19
<b>3,000</b> 24:6,16 25:7	<b>5</b> 84:10 85:2 88:17 89:1 90:8 91:24 92:15 182:8 201:25	<b>82</b> 91:23	<b>accessories</b> 12:12 64:21 65:5,22 90:4
<b>3.2</b> 126:12	<b>5,000</b> 18:13 23:25 24:6,17,19	<b>84770</b> 2:10 207:2	<b>accessory</b> 66:7 67:4
<b>30</b> 28:23 179:25 180:5 181:3 186:9 188:20,21	<b>5:00</b> 97:19,23 98:5	<b>84780</b> 4:14	<b>according</b> 94:6 177:4,5 194:5,8
<b>300</b> 55:23 166:19	<b>50</b> 67:25 106:13 201:15	<b>850</b> 57:1	<b>account</b> 106:7,12,14,20,2 1113:15,17,20 129:3 136:17,23 137:1 143:23 144:1,3,12 145:15 151:4,7
<b>30th</b> 122:2 124:4,7	<b>50,000</b> 113:21 132:24	<b>857-3376</b> 208:3	
<b>31</b> 180:1 184:18 188:3,16	<b>500</b> 55:20 100:7,17,20 164:4	<b>8860</b> 167:6	
<b>31st</b> 125:16 172:5	<hr/> 6 <hr/>	<hr/> 9 <hr/>	
<b>32</b> 190:1,5		<b>9</b> 25:7 64:13 71:5 130:19 137:13,19 142:12	
		<b>9:00</b> 97:19,23 98:5	

154:12,14 157:1 158:14,19 159:8,13,16 174:25 175:18 178:14 <b>accountant</b> 28:10 113:3 <b>accounted</b> 129:6 <b>accounting</b> 28:13 42:21 <b>accounts</b> 106:23 125:11,20 126:14,21,23 129:1 174:3 <b>accurate</b> 88:12 92:16 153:4 163:7 168:5 170:19 175:23 179:18 188:17,22 <b>achieving</b> 150:24 <b>acknowledge</b> 206:3 <b>acquaintances</b> 52:17 102:6 <b>acquire</b> 51:3 56:14 75:13 95:22 103:20 145:19 193:13 <b>acquired</b> 53:19 56:10,19,22 74:5 <b>acquiring</b> 147:15 <b>acronym</b> 77:21 80:7 <b>Act</b> 135:19 <b>action</b> 205:12,17 <b>activities</b> 37:6,9 39:20 115:5 189:6 203:6 <b>actual</b> 45:17 46:15,17,19 140:11 195:20 201:18 <b>actually</b> 11:2	22:14 24:10 62:3 64:25 <b>add</b> 198:16 <b>added</b> 86:2,3 87:7,24 <b>addition</b> 130:7 <b>address</b> 4:12 39:8 50:7 80:15 158:4 160:2,6,14 161:3 168:12 <b>addresses</b> 165:22 <b>adjacent</b> 183:19 <b>adjust</b> 86:11 <b>administration</b> 40:23 <b>administrative</b> 8:4 42:20 <b>administrative/ bookkeeping</b> 15:9 <b>administrator</b> 144:6 171:22 <b>ads</b> 14:7 <b>advertised</b> 14:2 <b>advertisement</b> 180:6,8,10,14,19 ,25 181:2 183:5,11,19 184:4,21,22 185:1,15,21 186:16 188:9,18,22 <b>advertisements</b> 165:12 182:12 185:8 189:1 <b>advertising</b> 14:11 145:13 <b>advised</b> 113:3 <b>affect</b> 79:6,8,10 81:15,18,20,22 196:14 <b>affected</b> 123:6	<b>affiliated</b> 70:23 <b>affiliation</b> 92:10 115:1 <b>afford</b> 99:4 <b>afforded</b> 110:8 <b>aftermarket</b> 115:2 <b>afternoon</b> 104:13 <b>Agency</b> 2:3,4 4:18 84:19 121:10,19 124:24 190:11 207:15 <b>ago</b> 54:8 178:19 <b>agreed</b> 72:11 182:13 207:9 <b>agreement</b> 49:16 54:6 61:10 62:14,22 102:24 104:5 132:2 <b>agreements</b> 104:2 <b>air</b> 135:19 198:8,22 <b>Alberta</b> 63:20 <b>alert</b> 78:4 <b>Allison</b> 148:10,13 149:12 <b>Allison's</b> 148:16 149:23 <b>allow</b> 41:11 79:12 116:1 120:4,6,10,12 155:23 196:23 199:16,24 <b>allowed</b> 40:9 46:18 <b>allows</b> 94:8 103:17 117:6,12 119:3 <b>alone</b> 113:12 <b>already</b> 51:10 114:17 143:2 <b>alter</b> 170:12 195:12 203:5 <b>alteration</b> 183:12	198:24 <b>alterations</b> 168:20 170:15 <b>altered</b> 149:15 150:8 153:10 163:11,17 179:23 181:20 <b>am</b> 20:13 107:19 112:11,16 119:14 155:11 189:14 205:10,13 <b>Amazon</b> 104:8 <b>Amazon.com</b> 57:22,23 58:15 <b>Amberly</b> 28:4,22 42:3,14,21 <b>America</b> 68:2 <b>American</b> 132:11,12 134:2 <b>amount</b> 32:22,23 54:7 83:9 106:11 110:12,15 127:5 128:16,17,22,25 131:5 173:2 193:16 <b>amounts</b> 130:17 143:9 <b>and/or</b> 54:5 95:2 99:18 <b>Anderson</b> 27:4 28:1,4,24 29:4,8,9 42:3,19 105:13 <b>annotation</b> 124:3,7 138:24 139:8,22 <b>annual</b> 110:19,22 111:1 127:15 132:21 <b>answer</b> 52:6 129:22 159:19,21,24 160:1 180:22
--	--	--	--

<b>answered</b> 43:8 130:5 <b>answering</b> 98:14 159:21 <b>Anthony</b> 2:13 <b>anti-counterfeit</b> 60:21 <b>anybody</b> 29:2 164:13 201:19 <b>anymore</b> 62:23 76:12 98:25 <b>anyone</b> 17:25 20:3 28:2 42:11 101:8,13,16,23 104:4 108:5 113:11 131:9 194:1 <b>anything</b> 46:17 54:4 61:6 65:2 78:17,19 123:23 144:10 152:20 167:13 171:14 178:5 179:15 194:15 <b>anywhere</b> 57:2 <b>appear</b> 6:9 57:2 85:3 167:8 168:13 206:8 <b>appeared</b> 57:19 <b>appearing</b> 6:1 <b>appears</b> 85:9 88:19 94:7 123:13 147:6 148:10 164:16 205:4 <b>application</b> 86:16 87:12 88:5 <b>applications</b> 13:25 14:6 23:5 68:10 87:16 181:11,15 183:5,17,18,20 201:15 <b>applied</b> 202:15 <b>applying</b> 201:21	<b>appreciate</b> 18:16 130:12 <b>approval</b> 37:5,8 <b>approximate</b> 18:2 <b>approximately</b> 7:17 8:7 9:10,11 11:7 12:4 18:11,23 25:3 26:4 27:19 28:20 29:24 31:25 33:18 39:23 47:16 48:4 55:14,16 56:13 57:9 62:24 64:9 90:25 93:5 98:16 100:17 102:18 111:2 125:6,10,17 128:15 131:2,3,22,23 132:18 204:5 <b>apps</b> 203:18 <b>area</b> 26:12 31:17 41:4 49:25 51:14 73:11 116:7 <b>areas</b> 26:11 39:21 117:12 <b>arrangement</b> 61:1,20 71:13 <b>arrangements</b> 54:2 <b>art</b> 185:17 <b>artist</b> 19:12 185:19 <b>aspects</b> 14:19 60:19 80:14 102:13 117:7 203:16 <b>assembling</b> 140:8 <b>assist</b> 13:23,24 88:21 190:19 <b>assistance</b> 105:9,12 <b>assistant</b> 22:1	<b>assisted</b> 190:24 <b>associated</b> 31:3 62:2 69:22 70:20 78:8,11,16 90:12 105:17 106:16 108:5 112:23 125:11 158:14 173:22 174:3,12 175:1,3,18 <b>assume</b> 36:4,6 52:6 58:2 59:21 70:7 71:4,8,11 72:13 82:1 140:22 141:1 142:17 148:3 150:4,22 154:6 155:22 174:23 179:14,22 185:5 187:10,16 189:21 193:14 194:25 <b>assuming</b> 13:5 71:6 150:11 187:20 <b>assumption</b> 36:8 58:10 79:5 <b>attached</b> 3:13 66:4 206:8 <b>attempt</b> 159:21 <b>attempted</b> 37:16 <b>attend</b> 10:12,18 11:8 <b>attending</b> 11:11 <b>attention</b> 86:14 189:20 <b>attorney</b> 4:17 205:14 <b>August</b> 88:14 <b>Australia</b> 68:4 <b>auto</b> 11:3 21:9 178:7 <b>automated</b> 37:3 <b>automotive</b> 7:13 40:6	<b>automotive-related</b> 74:16 <b>availability</b> 203:10 <b>available</b> 57:23 59:2,18 86:18 97:16,24 98:4 99:25 101:1,3 103:24 106:11 116:20 125:19 140:15 178:22 180:16 184:6 186:5 200:15 <b>Ave</b> 2:5 <b>average</b> 100:8,14 <b>aware</b> 31:19 40:14 53:23 60:9,10 61:6,22 70:22 71:1,24 73:3,6 80:17 96:8 101:11 104:6,25 105:6 106:4 108:8 112:1 115:13 120:5 134:24 136:24 137:8,10 141:7 142:16 143:17 155:3,7 156:17 160:17 189:4,14 <hr/> <b>B</b> <hr/> <b>background</b> 6:13 188:8 <b>bad</b> 9:13 18:18,20 25:9 <b>Baird</b> 18:21 19:9,13,18 <b>balance</b> 125:5,17 128:3 129:4 <b>bank</b> 106:7,9,11,14,21 ,23 113:15,17,20 125:11,20 126:21 203:11 <b>Barry</b> 2:9 4:22 207:1
---	---	---	---

<b>based</b> 4:20 8:5 14:4 19:6 67:19 73:24 124:19 130:8 131:8 133:11,14,18 153:5 160:25 168:16 172:2 179:15 189:21 <b>basic</b> 16:16 <b>basically</b> 7:25 12:25 13:2 32:15 34:20 71:22 74:9 78:19 112:12 154:8 195:3 196:11 <b>basics</b> 195:25 <b>basis</b> 25:1 29:12,22 32:22 41:24 42:2 102:4 110:22 173:8 196:1 <b>battle</b> 71:22 <b>Belarkson@clark sondraper.com</b> 2:11 <b>became</b> 14:17 52:16 171:16,25 172:13 <b>Beckstrom</b> 2:9 4:23 136:3 207:1 <b>become</b> 13:15 <b>becomes</b> 154:9 <b>becoming</b> 48:7 <b>begin</b> 11:24 <b>beginning</b> 1:20 9:1 14:15 29:23 <b>behalf</b> 1:21 4:23 145:2 <b>belief</b> 147:21 <b>believe</b> 8:22 9:5,9 11:1 15:1,2,25 17:13,16 18:13 19:11 20:18 23:13 24:7 25:13	26:15 27:11,14 28:18 29:1,6,10 31:5,13 32:4,9,13,14,19 33:20,25 41:15 42:4,13 43:9,18 45:23 47:18 48:15 49:3 50:9,17,20,25 52:3 54:7,8,9,11,16,1 8 55:19 57:4 58:3,4,25 59:3,6,24 60:13 61:7,13 63:1 64:20 65:2 66:25 68:5,18,21 72:8 74:20 76:2,5,15,17 77:23 78:20 79:2 82:18 83:5 90:6 91:12,22 92:12 95:23 96:10 97:21 100:19,24 102:7,10,19 104:18,24 105:2,4,8 106:17 107:18 109:3 110:6,16,17 111:1 112:2,16 116:19 118:10 119:1 120:9 123:23 125:23 126:9 127:17 130:6 131:24 132:12,21 133:10,24 134:11 135:9 137:5 138:3,13,17 140:16,17 141:3,6 142:13,14,18 144:16 145:16,25 150:17 153:11 154:23 157:3,20 159:23 160:22 163:15 165:22 173:9 174:5	175:16 179:22 185:10,23 188:19,24 190:24 192:2,25 193:3 194:9 201:4,12 202:1 <b>believed</b> 101:2 144:23 <b>Bennett</b> 1:16 <b>Bentley</b> 12:1,2 21:21 32:5 49:25 50:19 100:5 116:6 130:7 140:11 186:23 191:17 194:9,25 195:20 197:18 <b>Bentley's</b> 21:19 33:7 52:4 113:13 <b>Besides</b> 19:18 <b>best</b> 14:23 15:11,15 32:13 36:25 74:1 79:2 159:24 161:17 162:2 163:8 164:15 165:23 166:6,11 168:4,6 170:22 <b>better</b> 176:19 <b>bigger</b> 56:3 <b>bill</b> 175:3 <b>billed</b> 173:10 <b>bit</b> 5:3 76:11 158:24 202:11 <b>Black</b> 45:21,25 46:7 55:24 56:1,21 68:15 77:12 85:21,25 86:16 87:10 88:3 89:6,9,15 90:3 99:24 117:17 118:13 181:10,13,19 185:25 189:5 201:2 <b>Blackwell</b> 134:11	<b>blank</b> 63:20 70:5 <b>board</b> 57:6,16,19 <b>boat</b> 179:9 <b>Bobby</b> 26:21 <b>body</b> 11:3 132:3,9 153:1 <b>bookkeeping</b> 27:25 <b>boost</b> 198:19,24 199:3,5,16 <b>Border</b> 70:9 <b>borrow</b> 126:25 193:2,9 <b>borrowed</b> 128:5,7 192:5,6,7 193:4,5,6,12,25 <b>Bortchevsky</b> 146:17,19 147:6 <b>Bortchevsky's</b> 147:22 148:2 <b>bottom</b> 59:10 89:5 90:10 153:25 173:16 191:2 <b>bought</b> 21:6 63:13,14 75:7 <b>box</b> 93:21 149:19 183:19 <b>boxes</b> 182:12 186:1 <b>brake</b> 78:18 <b>branched</b> 22:12 <b>branches</b> 68:7 <b>brand</b> 35:22,23,25 36:1,11 45:5 132:3 <b>branding</b> 35:6,13 36:19 37:23 <b>brands</b> 92:13 <b>break</b> 5:5,6 43:20,24 44:4 101:19 129:15,18
--	---	--	---

130:22 164:10,12 200:19,23 <b>breakdown</b> 68:24 88:20 <b>Brendon</b> 27:4 29:8 <b>brief</b> 20:5 <b>Bring</b> 188:1 <b>broad</b> 15:4 26:16 81:16 111:10 115:19 146:2 198:17 <b>broaden</b> 24:5 <b>broker</b> 74:22,25 <b>brother</b> 19:21,23 21:25 42:6 43:2 <b>brothers</b> 53:11,22 <b>brought</b> 62:7 <b>budget</b> 35:8 180:13,15 <b>build</b> 23:9 35:17 36:11,18,25 37:2 38:6 157:21 203:14 <b>building</b> 1:17 16:2 35:5,11,12,20,21 36:22 112:13 113:2,5 <b>built</b> 36:13 103:14 191:8 194:7 <b>bulk</b> 38:5,24 69:18,20 201:11,23 <b>Bully</b> 46:11,20,22 47:8 48:9,10,20 49:1,5,7,13,17 52:8 53:2,7,20,22 54:2,3,23 55:2,8 56:5,10,14,19,22 57:2 59:11 60:8,16 61:2,3,20 62:4 92:11 95:23	101:25 102:15,22 201:6 <b>Bus</b> 194:14,20 <b>busiest</b> 100:10,12 <b>business</b> 5:15 7:7,8,12,21 8:5 12:10,19,22,24 13:4,6,7,11,15 14:5 21:3,5,8 29:16 39:5,10 40:16 41:10 43:5 49:12 50:8 52:18 61:20 63:5 64:2,7 71:12 72:15 73:5 74:15 105:18,22 107:6,12 108:25 110:1,4 114:12,20,23 115:4 121:14 122:11,12,16 123:13 124:8 128:6 134:16 142:23 143:16 197:22 <b>busy</b> 100:10,12 <b>buy</b> 62:23 67:25 126:25 169:14 193:18 <b>bypass</b> 82:3 <hr/> <b>C</b> <hr/> <b>Cab</b> 94:12 <b>Caballero</b> 2:4 3:4 4:8,16,25 25:24 33:3,10,17 44:2,5 49:3 60:3,15 83:6 111:15 129:11,17,20,23 137:17,21 143:1,10 180:24 189:8,16 200:18,22,24 204:1,10,14 207:15,22 <b>Caballero.kathry</b>	<b>n@epa.gov</b> 2:7 <b>cabinet</b> 9:6,17 11:12 <b>Cabinets</b> 9:6 <b>cables</b> 70:16,17,18 74:14,22 <b>calibrating</b> 196:6,13,17 <b>calibration</b> 46:13 49:20,23 103:9 117:7,8,13,24 118:13 119:3,21 150:15 155:22 163:3 166:21,23 191:9 195:6,22 197:7,9 199:20,22,23 200:2,14 202:8 <b>calibrations</b> 36:14 46:19 50:11,24 77:10,14,19 79:8,17,21 81:19,21,23 82:6 96:4,5,9,11 117:14,16 119:20 122:23 145:11 176:22 184:9 195:4 196:5 197:16 <b>California</b> 82:12,21 83:8 118:18 125:25 126:2,3 133:23 142:24 143:8,13 <b>California-sold</b> 118:21 <b>Canada</b> 63:17,18,24 67:11,14 68:19 69:10,22 71:20 73:11 74:3 <b>Canadian</b> 73:14 <b>Canyon</b> 10:13,14 <b>capable</b> 45:6 147:19,22,25	185:19 <b>Capital</b> 1:19 208:1 <b>captive</b> 109:23 110:2 111:20 <b>captured</b> 203:7 <b>car</b> 66:11 <b>card</b> 55:4 95:24 96:2 172:21 <b>cards</b> 70:16 74:14,21 <b>care</b> 99:2 <b>career</b> 83:24 <b>carrying</b> 143:16 <b>case</b> 16:20 36:7 140:18 149:22 208:5 <b>Casey</b> 1:6,15 3:4 4:4,13 34:15 206:3,18 207:4,8 208:6,25 <b>catalyst</b> 139:13 <b>catalytic</b> 80:9 139:4 <b>catch</b> 80:1 <b>category</b> 17:1 <b>Cc:Kathryn</b> 207:22 <b>certain</b> 19:11 23:13 34:18 47:18 74:10 79:8,13,17,19,21 81:19,21,23 82:6 103:18 111:24 112:18 116:2,3 117:7,12 118:13 132:4 141:2 144:5 151:5 169:25 199:24 <b>certificate</b> 202:21 205:1 <b>certify</b> 205:4 <b>Chad</b> 18:21
---	---	---	--

185:12,13,14,18 <b>challenging</b> 15:14 <b>change</b> 44:11 46:18 60:22,23 86:8 103:18 115:14 117:23 118:15 122:5,11,12 196:10 199:7 <b>CHANGE/ CORRECTIO N</b> 208:8 <b>changeable</b> 120:9 <b>changed</b> 13:4 14:14 29:17 59:12 117:13,25 119:3 122:21 132:13 <b>changes</b> 46:14,19 60:25 195:23 206:7 <b>changing</b> 103:9 <b>channel</b> 136:13,23 <b>characteristics</b> 115:15 118:16 120:13 <b>charge</b> 8:1 35:4 54:3 55:8 141:10 151:6 175:13 <b>charging</b> 54:18 <b>Chassis</b> 94:12 <b>cheaper</b> 169:14 <b>check</b> 79:4 95:1 149:7 150:12 156:3 165:13 172:20 196:19,21,24 <b>choices</b> 186:11 <b>chronological</b> 98:7 <b>Chrysler</b> 192:14,22 <b>Circle</b> 4:14	<b>circuit</b> 57:6,16,19 <b>circumstances</b> 48:3 <b>city</b> 1:18 148:4 <b>Civil</b> 4:17 <b>claim</b> 202:19 <b>claiming</b> 5:14 59:16 148:6 <b>Clara</b> 10:16 <b>clarification</b> 130:2 <b>clarify</b> 35:2 64:2 110:20 129:21 130:1 142:19 177:7 187:12 199:2 201:9 <b>Clarkson</b> 2:9 4:22,23 33:6,16 121:8 134:7 136:3 137:15,16 143:1,6 180:21 204:9,12 207:1,6 <b>clashed</b> 76:11 <b>class</b> 11:3 <b>classes</b> 10:25 <b>Clean</b> 135:19 <b>cleaning</b> 13:1 <b>clear</b> 44:20 52:22 <b>clears</b> 172:4 <b>clients</b> 31:8 196:25 <b>close</b> 29:3 191:2 200:18 <b>closer</b> 57:23 <b>COACH</b> 22:18 <b>code</b> 82:2,4 103:9,19 115:12 116:1,3 117:2,21 118:12,14 119:12,17,22,24 120:3 156:2 <b>codes</b> 78:7,10,15,23 94:21 115:8,10	149:16 <b>coincide</b> 177:16 <b>colleague</b> 4:20 <b>college</b> 10:8,17,19,20,25 11:2,5,8,12 19:10 <b>column</b> 86:15 89:8 90:21 <b>co-manager</b> 125:1 <b>co-managers</b> 25:16 <b>combined</b> 132:20 <b>come-and-go</b> 57:10 <b>comes</b> 42:5 <b>comfortable</b> 44:24 68:25 111:12 124:20 150:10 <b>coming</b> 14:5 59:4 <b>commanding</b> 6:9 <b>comment</b> 154:1,2,5,19,23 <b>commercially</b> 86:17 <b>commission</b> 205:23,25 <b>commonly</b> 79:3 161:21 <b>Commonwealth</b> 1:20 205:21 <b>communicated</b> 33:13 <b>communications</b> 59:19,20 72:4,18 <b>companies</b> 23:18 61:5 71:19,20 73:14 106:4 112:21,22 114:6 149:19 <b>company</b> 1:19 5:24 8:9,11	11:25 15:6 17:11,12 20:11 21:15 22:12,19,23 23:3 25:16 30:9,12,13 31:6,7,10,13,15, 20 33:24 34:6,19 46:21 47:5 48:7,22 50:20 53:16,18 61:16 62:5 64:3 68:3 71:22 72:16,20 73:3 75:14,20 82:21 90:4 103:8 104:20 106:2 108:10,11,13,15, 17,21 109:2,5,24 110:2 111:19,21,23 112:10 113:4,22 124:18 126:20 128:13 130:8 133:11 160:1 187:1 203:21 208:1 <b>competition</b> 162:6 179:11 183:1 <b>competitors</b> 64:25 <b>compile</b> 121:5 <b>compiled</b> 140:10 <b>complete</b> 88:12 92:15 153:4 163:7 168:5 169:17 170:19 175:23 179:18 188:17,21 206:6 <b>Completed</b> 10:7 <b>completely</b> 18:15 94:9 128:1 133:2 165:11 <b>component</b> 66:14 156:4 <b>components</b> 45:7 66:22 95:11 152:25 <b>compress</b> 198:8
--	--	--	--

<b>comprised</b> 158:10	<b>context</b> 124:17 139:4	114:4	193:14
<b>computer</b> 50:1 70:17 137:14 194:10,12,15,16 203:15,20	<b>continue</b> 203:22,24	<b>corporation</b> 107:6	<b>counsel</b> 1:16 124:23 205:10,14 207:14
<b>computers</b> 86:6	<b>continuing</b> 125:5 167:1	<b>correct</b> 21:17 36:20,21 46:8,9 48:18 49:20,21 52:24,25 55:5,6 66:10,13 77:6 78:24 79:4 81:3 86:12 87:8,14,19,20 88:4,10 89:14,17,19,21,2 5 90:22 91:1,4 94:9 95:25 96:1,3 101:6 104:21 110:24 119:4,5,18 121:15 124:24,25 125:2,3 130:6 131:14 134:20 140:9 142:8,9 144:15,25 145:20 146:13 147:8,12,13,18 152:22,23 153:20 156:7 157:2,5,6,12 158:11 161:20 165:24 166:8,9 168:18,19,22,23 173:1 175:15 177:3 178:3,15,20,23,2 4 183:3,22,23 184:2,14,17 186:2,3,14,15 189:16 197:4 199:4 201:3,7 202:2,9 206:5	<b>counterfeit</b> 58:5,11,25 59:1,7,16,25 60:4,9 99:6,8
<b>concern</b> 165:9	<b>contract</b> 31:10 54:17 64:22 131:18 132:1,7,21 133:24 144:17 145:21,23 150:24		<b>counterfeiting</b> 60:17
<b>concluded</b> 204:15	<b>contracted</b> 31:9 145:17,18		<b>countries</b> 64:18 67:8,16,22,25 68:2,13,14,19 69:3 71:8,9 73:1 106:24
<b>concurrently</b> 12:10	<b>contractor</b> 17:5,10 18:10,12 20:17 154:16		<b>country</b> 67:13 167:12 200:11,12 202:20,21
<b>confidential</b> 5:15	<b>contracts</b> 101:13		<b>couple</b> 8:1 13:9 21:7 27:4 54:10 66:24 68:2,6 82:13,22 115:7 130:18,24 173:7
<b>confidentiality</b> 104:2,5	<b>control</b> 10:3 44:13,17,22,23 57:18 83:12,20 84:5 95:16 104:10 123:6 147:11,17 149:14 150:7 155:24 168:21 170:12 175:9 181:17 183:13,24 195:13 196:18		<b>course</b> 11:1 18:19 21:8 64:7 72:14 82:22 143:15 203:5
<b>configuration</b> 39:17	<b>controlling</b> 196:21		<b>courses</b> 10:22
<b>configured</b> 194:11	<b>conventions</b> 52:19		<b>court</b> 5:9 133:4,6,8,9,17
<b>confirm</b> 102:21	<b>converse</b> 171:7		<b>cover</b> 55:21 112:4
<b>conflict</b> 47:21	<b>COOK</b> 22:18		<b>coverage</b> 111:9
<b>conjunction</b> 95:15	<b>coordinated</b> 21:3,5		<b>covered</b> 119:8
<b>connect</b> 66:11	<b>co-principal</b> 142:7		<b>CR</b> 122:24
<b>connection</b> 62:9 63:9 90:2 131:16	<b>Co-principals</b> 25:18		<b>create</b> 36:11 113:4 119:20 136:16 164:14 185:7
<b>consensus</b> 34:22	<b>copy</b> 207:7		<b>created</b> 93:3 112:12 113:1 144:1 157:14,15,18 164:19 178:18 185:21
<b>consider</b> 14:8 67:19	<b>Corey</b> 149:24		
<b>considering</b> 12:17 41:20 42:13	<b>corporate</b> 105:5		
<b>consulted</b> 101:16,22			
<b>contact</b> 31:22 32:3 51:16,20 59:15 100:22 165:16 172:16,22			
<b>contacted</b> 31:21 32:1,5 52:5 59:16			
<b>contacting</b> 207:10			
<b>contained</b> 96:4 155:5			
<b>contains</b> 96:2			
<b>content</b> 165:19			



188:18,23 <b>creates</b> 178:14 <b>credit</b> 172:21 <b>credits</b> 10:8 11:1 <b>CSR/RMR</b> 1:18 205:20 207:19 <b>Cummins</b> 93:15 184:5 <b>Cumminsmaxx</b> 167:3,6 <b>current</b> 115:4 116:16 128:18 157:16 <b>currently</b> 5:20 6:14 11:20 22:20 41:13,19 47:11 65:5,23 69:9 75:3 96:13 101:7 109:22 112:13 116:20 118:17 119:2 127:7 158:24 159:6 199:10 200:1 <b>custom</b> 103:4,12,14 115:11,17,23 117:9,18 118:2,4,6 191:2,7 194:4,6,11 <b>customer</b> 89:7,8 90:3 103:12 117:13 118:6 119:4,14,23 120:3,16 182:24 199:24 <b>customers</b> 8:2 36:23 39:1 59:14 67:25 69:10 71:15,23 89:24 100:22 103:20 109:13,20 116:11 182:7 189:25 197:6 200:7,8 201:21	<b>Customs</b> 70:9 <b>cut</b> 86:21 <b>cwbymt1973</b> 166:1 <hr/> <b>D</b> <hr/> <b>D.C</b> 2:6 4:19 208:2 <b>daily</b> 29:22 41:24 42:2 162:2,5 196:1 <b>damn</b> 162:20 163:1 166:19 <b>Dan</b> 42:6,21 <b>Dana</b> 16:1,3,7,10 17:1,13,17 18:12 19:18 20:16 157:19 <b>Danny</b> 27:5 <b>Darrell</b> 53:14 <b>dash</b> 95:2 <b>dashboard</b> 78:25 79:19 94:21 <b>date</b> 6:17 15:4,24 17:23 25:5,6 32:2 75:6 102:21 122:20 123:21 125:23 172:5 177:10 202:3 206:18 208:7,25 <b>dated</b> 84:19 122:2 135:18 140:14 178:1 190:8 <b>dates</b> 9:14 13:20 18:18 26:1 121:20 123:9 124:14 201:9,11 <b>daughter</b> 28:5 <b>Dave</b> 31:24,25 <b>Davenport</b> 149:24 150:1 <b>Davenport's</b> 150:16,21 <b>David</b> 46:24 47:3	<b>day</b> 42:5 100:7,18,19 158:23 159:10 164:5 165:7 <b>days</b> 82:23 100:14,15 204:5 207:12 <b>day-to-day</b> 34:20 142:1 <b>deadly</b> 155:18 <b>dealer</b> 67:21 191:11 <b>dealers</b> 67:17 187:18 <b>dealership</b> 86:11 <b>dealerships</b> 51:5,6 <b>Dear</b> 207:6 <b>December</b> 125:16 179:19 <b>decide</b> 12:18 <b>decided</b> 152:11 <b>deciding</b> 123:10 <b>decision</b> 141:23 <b>decisions</b> 34:20,21 142:1 <b>decreased</b> 134:18 <b>dedicated</b> 97:9 200:10 <b>Deer</b> 63:20,21,22 64:3,6,11,15,20 65:3,6,23 69:11 70:24 71:5,14,24 72:17 73:4,7,15 74:2 75:3 <b>default</b> 34:14 <b>defeat</b> 10:2 33:1 126:6 134:23 201:1 <b>defining</b> 13:24 <b>definitely</b> 13:8 37:24 60:7 137:24 149:21	152:18 <b>definition</b> 67:18 <b>degree</b> 11:4 22:4 23:13,15 34:18 45:7 112:5 <b>Delaware</b> 108:19 <b>delete</b> 95:7,9 146:25 147:7,10 148:17,22 149:2,3,5,6,10 150:5,6 155:19,21,23 168:17,18 169:16 170:11,21 <b>deleted</b> 138:25 139:5,17,23 150:2 <b>deletes</b> 169:25 <b>demand</b> 58:4 <b>demystify</b> 177:8 <b>Dennis</b> 161:23 162:1,8,12 164:15 <b>Denver</b> 4:21 <b>department</b> 15:7,8,10 19:19 21:19,21 35:11 50:5 59:6 96:21 151:21 169:24 180:14 <b>departments</b> 14:25 15:13 97:8 <b>depending</b> 98:6 158:24 159:5 <b>deposed</b> 5:1 131:13 <b>deposition</b> 5:4 33:7 131:13,19 204:11,15 205:3,5,9,12 207:8 208:7 <b>deposits</b> 69:25 <b>describe</b> 10:5
---	--	---	--

13:13 14:23 40:18,20 45:13,15 62:18 65:4 76:25 81:14 93:12 103:6 110:1 115:4,9 125:21 180:4 <b>described</b> 13:15 57:25 61:1 67:3 88:2 103:21 105:25 106:1 168:16 186:9 195:24 <b>describing</b> 93:13 <b>Description</b> 3:8 <b>Desert</b> 108:16,20,23 109:7,20 110:10,22 111:16,19 113:23 <b>design</b> 35:2 181:21 191:12 197:15 <b>designated</b> 144:6 <b>designed</b> 191:8 <b>designer</b> 185:11 <b>detailed</b> 88:19 <b>details</b> 54:1 <b>develop</b> 49:23 50:10 152:9 <b>developed</b> 46:10,11,13 180:7 184:25 185:3 <b>developing</b> 22:25 23:7 50:24 51:17 <b>development</b> 14:18 21:17,24 22:2,4,10,11,15 29:22 30:1 37:23 46:16 52:1,2 185:17 197:20 <b>develops</b> 95:21 <b>deviation</b> 156:5	<b>device</b> 44:10 45:25 55:3,7,12,15 56:13,19 57:4 59:9,12,13 65:10,19 66:2,9,11 77:5,8,9,11,13,1 6,18 79:15,18 83:20 85:24 87:13,22 88:5 96:2 99:10 101:3 103:9 116:3,4,5,9 117:25 118:1,14 119:22 120:16 123:7 140:4 148:4 156:6 162:10,16 166:10 182:6 183:1,8 192:20 193:2 <b>devices</b> 10:2 33:1 46:10 49:18 56:5,9 57:3 58:25 59:1,7,17,25 60:5 64:23 65:1 66:6,15,20 67:7 68:12,18 69:2,6,19 70:21,25 71:3,25 72:5 76:24 79:6 81:14 82:4 89:13 91:5 92:17 99:14 101:17,21 102:10,15 104:9 115:7 117:19 118:17,21,23 120:19 122:17 123:5,11 126:6 134:23 147:16 182:7,9 186:2 197:2,16 201:1 202:6 203:4 <b>diagnostic</b> 78:1,7,8,10,23 79:7 94:20 191:23 192:14,22	193:22 194:10,14,15 <b>diagnostics</b> 194:21 196:17 <b>Diamond</b> 75:25 76:2,8,13 <b>dictated</b> 19:16 <b>diesel</b> 20:12 50:14 79:23,24 80:3 89:16,18,20 90:2 91:6,8,10,17,20 94:3 115:2 132:12,14 134:2 139:12 <b>DieselSellerz</b> 31:14,20,23 32:8,12,18,24 33:5,8,11,14,19, 23 106:1 144:17,24 145:2,3,4,9,14,1 7,22 146:7 147:15 150:23 154:18,22 <b>difference</b> 57:13 74:4 <b>different</b> 6:24 26:11 39:21 46:4,5 57:25 64:23 66:1 73:23 86:12 94:1 101:20 120:12 159:5 160:7 164:9 174:7 183:7 <b>difficult</b> 60:24 <b>dimensions</b> 39:19,20 <b>direct</b> 8:10,13,14,18,21 ,24 9:2 185:7 <b>directed</b> 97:8 141:24 <b>direction</b> 141:11,20 145:5,7	146:3,6,7,8 147:15 157:4 182:25 205:8 <b>directly</b> 21:23 30:5 58:14 97:11 191:10 <b>director</b> 108:9,12 112:9,14 113:7,10,22 <b>disable</b> 81:24 82:5 195:12 <b>disabled</b> 149:15 150:8 <b>disassociated</b> 14:18 <b>disclosure</b> 5:16 <b>discontinued</b> 45:23 57:7 76:18 145:10 <b>discount</b> 73:17,23 <b>discuss</b> 37:22 171:14 172:12 <b>discussed</b> 13:24 36:12 37:25 38:3,4,15 115:6 128:24 186:22 197:21 203:3 <b>discussion</b> 160:18,21,23 161:4 191:1,7 <b>discussions</b> 38:5 <b>display</b> 132:3 <b>displaying</b> 79:19 <b>dispute</b> 131:18 132:1 133:24 134:13 178:25 <b>disputes</b> 133:20 <b>distinction</b> 93:23 <b>distribute</b> 71:20 72:12 92:12 <b>distribution</b> 58:7 72:19 131:8 <b>distributor</b> 8:12
--	---	--	---

58:20 67:18,19 71:19,22 74:11 201:18 <b>distributors</b> 58:18 67:8,9,16 73:11,21 74:8,12 99:21 184:15 197:3 201:24 <b>divided</b> 39:24,25 <b>dividend</b> 130:8,13 131:9 <b>dividends</b> 130:25 <b>division</b> 35:10 64:3 96:21 <b>divisions</b> 14:25 15:3,6 26:11 34:12 <b>divulge</b> 5:17 <b>Dixie</b> 10:19,20 11:5,8,11 <b>DOC</b> 138:25 139:8,9,12,16 <b>document</b> 6:6,8 <b>documentation</b> 120:1 <b>documents</b> 202:16,18 <b>Dodge</b> 51:21 86:22 87:1,13,17 88:6 93:14 142:25 143:4,13 181:5 186:24 187:23 <b>Dog</b> 46:12,20,22 47:8 48:9,10,20 49:1,6,8,13,17 52:8 53:2,7,20,22 54:2,3,23 55:2,8 56:5,10,14,19,22 57:2 59:12 60:8,16 61:2,3,21 62:5 92:11 95:23 102:1,15,22 201:6	<b>dollar</b> 125:24 <b>dollars</b> 74:10 129:3 130:24 173:7 <b>dollar's</b> 129:6 <b>domestic</b> 200:8 <b>done</b> 12:23 13:12 37:11 82:12 151:2 157:7 185:6 200:19 <b>door</b> 83:18 <b>download</b> 103:24 115:22 117:6 118:14 119:13,15 <b>downloadable</b> 119:2 <b>downloaded</b> 119:11 <b>Downloader</b> 91:25 <b>downstairs</b> 40:23,24 <b>DPF</b> 79:22 80:3,24 81:18 93:20,22,24 94:2,8,16 120:6 122:23 138:25 139:23 146:25 147:7,10 150:5,6 168:18 170:21 181:16,20 183:11,22 184:11 <b>DPF/EGR</b> 184:7 186:6,14 <b>DPF/SCR</b> 152:4 <b>draft</b> 204:4 <b>Draper</b> 2:9 4:23 136:3 207:1 <b>drawing</b> 63:19 86:14 <b>drive</b> 137:16,18 147:1	<b>driver</b> 78:5 <b>driving</b> 152:1 162:3,6,21 <b>DS</b> 95:24 <b>DTC</b> 78:21,22 79:16 <b>DTCs</b> 79:13 <b>duly</b> 4:5 205:5 <b>Duramax</b> 87:1,17 88:8 171:3,6,20 172:1,9,14,24 173:11 174:3 175:6,18,25 176:4 179:16,19 181:5 184:4 189:2 <b>duration</b> 196:5,7 197:24 <b>during</b> 25:6,20 30:10 33:7 37:19 64:7 71:5 72:14 85:12 144:16 187:8 <b>duties</b> 29:19 <b>duty</b> 42:24 <b>dynamometer</b> 43:17 82:19 <b>dyno</b> 40:12 43:15,16 <hr/> <b>E</b> <hr/> <b>Eagle</b> 108:16,20,24 109:8,21 110:10,22 111:16,19 113:23 <b>earlier</b> 35:19 43:14 61:15 105:25 106:1 139:3 147:14 185:10 186:22 200:25 201:25 <b>early</b> 63:13 197:25	<b>ease</b> 38:10 <b>east</b> 2:10 4:13 68:3 75:21 207:2 <b>easy</b> 38:7 <b>eBay</b> 104:9,10 <b>ECM</b> 44:14,17,22 45:6 46:5,8,14,19 77:10,15,20 81:15 82:2 86:1 87:7,23 103:19 <b>edit</b> 103:18 117:6 <b>editable</b> 120:14 <b>education</b> 10:6 11:15 19:9 <b>effect</b> 94:20 <b>efficiency</b> 146:13 <b>efficient</b> 198:15 <b>EGR</b> 81:4,6,11,22,25 82:3,5 95:5,6,7,9,11 123:1 148:17 149:2,3,6,20 155:19,21,23 181:16,20 183:12,22 184:11 <b>eight</b> 41:15 134:18 203:10 204:5 <b>either</b> 14:4 22:17 43:8,11 82:2 94:8 98:5 107:24 116:8 123:19 132:10 154:20 179:4 181:25 186:11,21 198:14 200:9 <b>electronic</b> 44:11,13,23 67:4 82:18 115:7,10 203:18 <b>electronically</b> 57:14 137:13
--	--	--	--

<b>electronics</b> 64:24 <b>eligible</b> 202:8 <b>eliminating</b> 81:1 <b>else</b> 18:17 19:19 20:3 28:2 29:2 37:25 38:3 42:11 101:13 113:10 129:5 131:9 <b>e-mail</b> 32:6 83:1 144:8 158:14 159:17,18 160:2,6,14 174:25 175:3 <b>e-mails</b> 60:7,14 98:2 144:5 158:18,21 159:10 <b>emission</b> 82:7 83:11 84:4 120:8 142:11,21 143:14 152:25 181:25 184:10 <b>emissions</b> 45:7 79:12 80:1,12,15 81:7,8 82:10 95:16 145:10 184:6 186:6,12,13 199:25 203:5,6 <b>employed</b> 5:20 9:8 11:21 205:11,14 <b>employee</b> 13:5 16:14,18 18:3,22 27:6,12,23 28:25 48:10 137:7 140:25 141:4 152:12,14,17 153:17 154:21 159:6,15 160:15 175:20 185:22 203:1 205:14 <b>employees</b> 8:1 13:17,21 14:12,19,20,21 16:11,12,21,23,2 4 19:5 20:14	21:14,16 26:3,20 27:10,15,16,24 28:17 29:19 34:11 37:1 40:8 41:13,23 43:6 52:8,17 62:1,17 97:5 104:2 109:17 129:2 134:18,22 144:15 151:9,11 152:3 154:15 157:1 158:11,24 160:7 203:10 <b>employment</b> 26:2 <b>enable</b> 118:14 119:17 <b>enables</b> 118:12 <b>Enclosed</b> 207:7 <b>encounter</b> 46:22 <b>encryption</b> 96:8,10 <b>enforce</b> 73:20 <b>Enforcement</b> 4:17 <b>engage</b> 16:6 31:7 36:19 195:23 <b>engaged</b> 14:21 69:2 73:4 133:22 <b>engine</b> 44:17,22 78:18 79:4 80:16 83:15 84:4 95:1 115:2 149:7,13,17 150:12 156:3 195:24 196:19,21,24 198:9,23 199:17 <b>engineer</b> 191:9 <b>engineering</b> 191:12 <b>engines</b> 181:7 <b>ensure</b> 111:8 <b>entire</b> 34:19 41:6 43:25 95:6 <b>entities</b> 69:22	105:17,21 114:4,16 128:2 132:16,19 <b>entitled</b> 5:17 77:5,11,16 156:13 <b>entity</b> 53:17 70:19 114:8 <b>Environmental</b> 2:3,4 4:18 84:18 121:9,19 124:24 190:10 207:14 <b>EPA</b> 33:1 83:11 88:14,24 123:4,14 124:5 134:23 140:13 200:15 <b>equal</b> 131:8 <b>equipment</b> 49:22 50:6 76:19 77:23 138:4 150:9 170:16 184:6,10 186:6 193:9 194:10,14,24 195:2,12 196:24 198:25 199:25 <b>equipped</b> 152:4 <b>ERG</b> 148:21 <b>errata</b> 204:7,8 206:8 207:13 <b>essence</b> 182:23 <b>essentially</b> 46:5 66:8 <b>established</b> 110:5 <b>estate</b> 128:6 <b>estimate</b> 9:12 27:21 30:2 32:20 52:14 54:21,22 56:4 68:17 115:16,20 <b>estimated</b> 7:18,19 24:23,24 28:23 39:24 105:7,14 106:18 110:24	119:6 127:8 <b>estimation</b> 93:7 100:21 <b>events</b> 132:4 <b>eventually</b> 116:2 152:11 <b>everyone</b> 166:5 <b>everything</b> 7:25 12:25 13:2,14 14:16 30:18 35:18 126:17 197:22 <b>evidence</b> 99:5 <b>evolved</b> 13:11 <b>exact</b> 6:16 13:20 15:24 17:23 30:11 32:2 41:18 43:7 53:17 106:18 122:19 123:9 124:13 145:7 187:2 <b>exactly</b> 8:23 9:13 12:1 18:25 22:24 24:17 54:25 98:3 102:20 132:25 151:20 202:3,25 <b>exacts</b> 32:20 <b>examination</b> 1:5,15 3:4 4:7 207:4 <b>examined</b> 4:6 206:4 <b>example</b> 55:13 85:20 <b>exceeds</b> 169:17 <b>exclusively</b> 107:21 <b>excuse</b> 5:11 <b>exhaust</b> 63:14 64:3,6,11,15 65:6,23 69:11 70:24 71:14,24 72:17 73:4,15 74:2,17 75:4,25 76:1,13 80:13,22
---	--	---	--

81:5 89:8 139:11,19 169:18 198:7 <b>exhibit</b> 3:9,10 6:4 30:16,17,19,21,2 2,24 31:2 34:2 65:12,16 69:24,25 70:3 84:8,10,14 85:4,6,8,9,16 86:1,15 87:4,21 88:11,12,17,18,2 0,22 89:1 90:8 91:24 92:15,22 93:10 94:12 95:18 120:22 121:3,6,13,22,23 123:12 124:3 125:12 129:5 135:14,23,24 136:5 137:13,17,19 140:8 142:12 144:20,23 145:6 146:10,15,16,22 148:7,8,15 151:2,12,14 152:6,22 153:3 154:1,25 155:1,9 156:11 161:6,7 163:6 165:1,2,21 167:2 168:5,9,10 170:18,19,23 171:1,20 173:15 175:22 176:2,3,6,7 180:5 181:3 184:18,19 186:9 188:3,16,20,21 190:1,5,25 195:16,17 196:4 201:25 <b>exhibits</b> 3:13 4:2 34:9 84:9,11 85:2 92:21 104:12 143:18 151:13 157:7,8 170:23,24 179:25 180:2	182:8 190:3,13 <b>exists</b> 156:24 <b>expense</b> 112:4 <b>expensive</b> 32:16 56:1 193:18 <b>experience</b> 11:16 19:8,16 146:12 <b>expertise</b> 102:11 <b>expires</b> 205:23 <b>explain</b> 12:21 49:12 80:2,18 81:10 112:25 123:15 124:10 147:22 153:7 169:19 202:13 <b>explaining</b> 177:24 <b>export</b> 196:22 199:23 202:21 <b>extended</b> 187:8 <b>extent</b> 81:9 92:14 128:4 143:2 151:15 189:3 <b>Extreme</b> 12:12 89:18 90:2,4 91:20 <b>extremely</b> 178:17 <b>eye</b> 38:11 75:25 76:2,8,13 <hr/> F <hr/> <b>Facebook</b> 31:1,8 35:5,12,20,21 36:18 38:2,16,17 136:7 143:20,23 144:12,18 145:13,15 146:9 147:16,23 150:18,21,25 151:4,6,15 153:14,16,24 154:7,12 155:4 156:12,20,24 157:1 189:1,14 <b>Facebook.com</b>	153:19 <b>facilities</b> 40:13 <b>facility</b> 17:6 40:3,10 49:11 52:9,15 53:3,5 60:11 <b>fact</b> 14:1 187:22,23 <b>factor</b> 123:10 <b>factored</b> 54:12 <b>factory</b> 184:6,9 186:5,12,13 191:9 195:3,4,6 <b>Failure</b> 94:25 <b>fair</b> 107:24 140:23 146:5 <b>fairly</b> 32:16 47:18 142:2 <b>fall</b> 17:1 <b>familiar</b> 20:11 48:21 61:16 94:22 103:3 113:8 136:9 143:20 166:2 192:18 195:22 197:23 <b>familiarize</b> 190:2 <b>family</b> 14:4 52:18 <b>Fargo</b> 106:9,20 113:18,20 125:20 126:21 129:1 <b>farm</b> 159:18 <b>features</b> 147:5 <b>February</b> 3:11 121:1 135:18 <b>Federal</b> 1:17 133:9,17 <b>fee</b> 54:11,14 172:21 <b>feel</b> 36:14 150:10 <b>felt</b> 16:13 36:13	47:4 145:11 <b>figure</b> 13:1 <b>file</b> 59:24 60:1 105:4,15 107:1 138:7 <b>filed</b> 107:4,11,14 108:2,6 133:3,6 <b>files</b> 28:12 105:1 <b>filing</b> 105:2,9 <b>filled</b> 178:8 <b>filling</b> 14:5 <b>film</b> 138:5 <b>filmed</b> 137:25 140:2 <b>filming</b> 138:2 <b>filter</b> 79:23,25 80:3 94:3 <b>final</b> 37:5,8 <b>financial</b> 23:2,20 33:5,15 54:2 <b>financially</b> 205:15 <b>financials</b> 113:8 <b>fine</b> 18:15 25:3 26:18 53:1 125:24 <b>finished</b> 88:11 92:20 95:18 143:18 204:11 <b>finishes</b> 180:21 <b>Fire</b> 194:14,18 <b>firm</b> 4:23 <b>first</b> 12:16 13:13 19:20 20:1,7 21:1 31:2 42:7,8 46:22 48:5 50:18 53:13 85:20 86:23 98:11,12 102:19 103:1 141:14 152:5,23 171:19 176:11,12 187:10 197:21
--	--	--	--

202:11	173:11 174:3	76:25	151:25
<b>five</b> 58:7 193:18	175:1,6,18,25	<b>functional</b> 35:18	<b>given</b> 24:9 55:13
<b>five-inch</b> 169:14	176:4,10 178:9	<b>functioning</b>	125:14,19
<b>flash</b> 137:16,17	179:17,19 189:2	149:21	141:19 142:1,19
<b>flip</b> 190:25	<b>forums</b>	<b>functions</b> 86:10	144:17 147:21
<b>Floor</b> 208:2	160:18,21,24	<b>funds</b> 203:11	153:2 159:4
<b>FLO-PRO</b>	163:25 165:4	<b>funny</b> 20:6	160:8 169:25
63:10,15,16,24	174:15 177:8	<b>future</b> 203:11	188:25 205:10
74:18	179:1,3		206:6
<b>focus</b> 38:12	<b>forward</b> 47:5		<b>gives</b> 171:13
<b>focuses</b> 38:9	62:22 207:13	<hr/>	172:12
<b>folks</b> 15:13 97:16	<b>four-month</b> 27:6	<b>G</b>	<b>glance</b> 165:7
<b>fooler</b> 149:19	<b>fourth</b> 69:7,8	<b>gain</b> 147:3	<b>GM</b> 87:1,17 88:8
<b>foot</b> 41:9,11	98:21 99:12	<b>GaLawnCare</b>	<b>GMC</b> 177:2 178:6
<b>Ford</b> 23:9,10,11	<b>frame</b> 9:19,21	166:16,17	<b>goal</b> 203:25
51:21 87:1,18	14:25 15:12	169:21	<b>gone</b> 114:14
88:8 181:4	24:11 25:20	<b>gallon</b> 147:4 148:3	<b>goods</b> 70:10,12,15
193:21	26:4,14 27:20,25	161:20	<b>government</b> 68:7
<b>Ford's</b> 193:21	29:15 30:3,10	<b>garage</b> 21:9 40:12	<b>GPS</b> 66:6
<b>foregoing</b> 205:3,5	37:20 48:5,12	<b>garage-type</b> 40:2	<b>grade</b> 197:13
206:4	64:9 66:18	<b>Gardner</b> 27:3	<b>graduate</b> 10:9
<b>foreign</b> 107:2,6	76:17,22 85:12	152:18	<b>graphic</b> 19:12
202:20	93:6 98:6,7	<b>gas</b> 81:5	185:11,17,18,20
<b>Forgot</b> 161:10	102:17 202:10	<b>general</b> 13:4	<b>great</b> 146:12
<b>form</b> 70:6,9 71:2	<b>Frank</b> 107:5 108:7	16:10,12 34:12	<b>greatest</b> 123:13
74:21 104:17	<b>free</b> 119:13,16	40:6,7 97:7	<b>greatly</b> 134:18
107:5 108:6	120:19	122:14 151:5	<b>green</b> 89:3
157:16 161:4	<b>friend</b> 19:24	177:18 191:23	<b>group</b> 145:18
<b>formal</b> 10:5 19:9	<b>friends</b> 14:4	<b>generalized</b> 103:7	<b>grow</b> 21:16
36:16	<b>front</b> 65:15 165:12	<b>generally</b> 14:8	<b>growth</b> 124:18
<b>formally</b> 101:16	<b>fuel</b> 23:1 146:12	49:12 50:1 80:23	<b>guess</b> 13:24 19:7
<b>former</b> 134:22	165:23 166:7,11	93:12	24:5 34:14 38:10
<b>forms</b> 104:25	168:7 198:16	<b>generated</b> 89:12	67:10,18 72:25
107:14,17,20,25	199:17	<b>generic</b> 194:15	77:2 80:4 81:16
<b>forth</b> 203:22	<b>fueling</b> 120:13	<b>gentleman</b> 20:6	115:20 117:25
<b>forum</b> 161:14	<b>fulfill</b> 145:25	28:7,13 46:23	122:14 159:14
163:8,18	150:23	<b>George</b> 2:10	189:11 199:12
164:2,5,6,11,19,	<b>full</b> 4:11 9:22 17:5	8:6,25 10:21	<b>guessing</b> 68:25
22 168:6,13,17	43:15	11:22 47:14	96:12 124:12,21
169:1 170:20	61:8,12,13,23	48:16 51:6,8	<b>guy</b> 153:24
171:3,6,20	62:2 147:2	55:5 61:18	<b>guys</b> 35:4 98:2
172:1,9,14,16,24	<b>fully</b> 150:2	133:19 207:2	
	<b>fumble</b> 43:17	<b>gets</b> 176:19	
	<b>function</b> 22:22	<b>getting</b> 32:15	

203:20	,24 96:5,21,24	170:6,20	191:2,7,11
	97:16 98:4,8	171:8,16,21,23,2	194:4,6 198:6
<u>H</u>	99:9 100:7,22	5 172:13,24	<b>haven't</b> 11:16 58:8
<b>H&amp;S</b> 2:8 4:24 5:22	101:4,7,12,15,20	173:16,17,19,25	<b>having</b> 4:5
6:14,19 10:1	,22 102:14,22,24	174:1,9,12,17,19	<b>head</b> 5:11 50:3
11:21,25 12:17	103:11	175:5,14,18,20,2	56:7 59:22 67:23
14:25 15:17	104:1,4,5,9,17,2	4 176:8 179:17	68:20 110:14,16
17:17,20 18:11	2,24,25	180:6	114:7 129:8
19:22 21:14	105:7,10,16,17	182:2,19,25	189:12
22:10,11,14,21	106:5,8,11,15	184:13 185:22	<b>header</b> 30:18
23:6,15,16,21,24	107:1,4 108:6	186:19,22 187:3	<b>heard</b> 44:16 61:8
24:3,12,14	109:11,12,16,18,	188:8,18,23	109:23 168:1,3
26:1,4,11	21 110:9,21	189:2 191:8,25	<b>hearing</b> 59:4
28:11,25	111:8,17,18	192:15,24	<b>He'd</b> 176:21
29:2,11,17	112:19 113:1	193:9,23 194:4	<b>height</b> 121:13
30:5,13,14 31:4	114:3,4,22	195:8,23 197:16	134:15
32:7,11,17 33:13	115:5,23 116:16	199:25 200:1,25	<b>help</b> 47:5 52:6
34:12 36:16	117:19 118:8	202:23	<b>helped</b> 22:4
39:9,14	119:11 120:2,16	203:1,9,12,24	199:14
41:5,7,9,14 43:6	121:1,13	208:5	<b>helping</b> 161:1
45:5,9,14,15	122:4,18 124:8	<b>h&amp;performance.</b>	<b>helps</b> 169:20
46:12,13,25	125:1,6,11,13,18	<b>com</b> 158:15	<b>hereby</b> 205:3
47:3,16,19 48:25	,21 126:3,25	<b>H&amp;S's</b> 168:6	206:3
49:13,19 50:23	127:25 128:3,8	<b>habit</b> 16:12	<b>hereto</b> 205:15
51:3,13,18	130:4,25	<b>hacked</b> 137:6	<b>HERIKUN</b> 75:15
54:3,23 55:3,4	131:10,17	160:14 175:19	<b>he's</b> 19:24 22:4,20
56:14,23	132:16 133:21	<b>hackers</b> 165:11	23:17
57:15,22 59:1	135:7,18,21	<b>hacking</b> 96:6	42:12,13,22,23
61:2 62:8	136:4,7,12,14,16	<b>half</b> 39:24,25 40:1	122:15 148:4,6
63:4,9,23	,23 137:1,5,7	90:10	149:4,9,11 150:6
64:10,14,17	138:22 140:25	<b>hand</b> 150:18	162:22
65:18 68:13	141:4,12,16,20	<b>handful</b> 16:9	166:4,10,12,13
69:1,5,9,21	142:7,10,22	<b>handled</b> 34:21	177:2,20
70:12,20,25	143:15,21,24	<b>handling</b> 164:21	178:2,4,12,19
71:3,7,12	144:14 145:15	<b>happened</b> 37:17	179:9
72:5,18,20	146:10 151:6,11	52:19 165:16	<b>hesitate</b> 207:17
73:2,16,17 74:13	152:6,19	<b>happy</b> 5:5	<b>high</b>
75:10,24	153:16,19,22	<b>hard</b> 100:13	10:7,10,12,13,14
76:24,25	154:1,5,8,12,15,	188:15	,24,25 125:15
77:5,11,12,16	20,21	<b>hardware</b>	126:12 150:24
79:6,15,18 81:14	155:4,5,19,21	46:16,18 48:24	199:19,22
82:4,7,10,16	156:13,25	49:1 54:13,20	200:1,14
83:15,25 84:21	157:11	55:1 62:6,7 65:1	201:14,21 202:8
85:11,24 87:6,22	158:4,10,18	67:5 81:13	
88:13,24	159:15	95:23,25 98:11	
89:13,15	160:15,18		
90:13,23 91:5	161:10 162:9,18		
92:16 94:7	164:18 165:5		
95:7,12,14,21,22	166:10 168:13		
	169:13,23		

<b>highest</b> 28:24 29:6 124:8	162:20,25 163:1 166:19 176:19	<b>hundred</b> 173:7	11:9 15:11 17:15
<b>highlighted</b> 85:17 146:21 149:2	<b>hour</b> 18:24 19:4,13 24:8 27:22 28:21 129:15	<b>hundreds</b> 59:17 68:23 69:17	18:18 19:11 25:24 26:7 30:16,20 34:15 39:5 40:14 43:8,22,25 47:18 51:13 52:25 53:23 61:6,22 63:19 65:11,18 66:16 67:13 68:9 69:24,25 70:22 71:1,6 73:6 77:3 79:4 80:17 84:7 90:10 96:11 101:11 102:6,12 104:6,12,14 105:6,23 107:10,18 108:8,12 111:5 112:18 115:13 119:14 121:16,20,21 122:14 124:12 132:22,23 134:24 135:11 136:24 137:9 142:16,17 143:17,18 144:19 148:3 150:4 153:24 156:11,17 157:7 163:10 166:3 177:17 179:2,4,25 182:4 187:20 189:11,14 197:13 199:12 202:3
<b>highway</b> 148:5 162:21 167:10,11	<b>hourly</b> 16:24 18:22 19:5,17 24:7 27:9,15,16 28:19,25 29:4	<b>Hurricane</b> 75:15,19	
<b>Hinson</b> 179:6,8	<b>house</b> 64:23 113:4	<b>Husch</b> 134:11	
<b>hire</b> 8:13 14:3 37:4 203:13	<b>HSP</b> 112:12,14,19,23 113:1,7,10,15,23 126:24 127:20,22,25 128:2,6,7	<b>H-U-S-C-H</b> 134:12	
<b>hired</b> 13:17 14:4,12 21:16 22:11 30:14 31:11 35:1 36:17 145:9,12 157:20 185:18	<b>Hugie</b> 12:2,8,14,16 13:23 22:5 25:11 29:5,21 30:16,21 32:14 34:2,16 37:8 41:1 42:5,10,25 47:22 55:2 65:11 69:25 84:8,9,10,13 85:1 90:5 91:23 92:15,22 93:9 94:11 98:13 100:6 102:8 107:17,25 112:14 121:22,23 122:9 126:20 131:6 135:13,14,23 136:5 137:19 140:8 142:12 144:19,24 146:15 151:12 152:6 153:3 154:25 156:11 157:8 168:9 170:19,23 176:2 179:25 182:8 184:18 190:1,5 195:16	<hr/> <b>I</b> <hr/> <b>Iceland</b> 68:4 <b>I'd</b> 6:4 15:23 23:13 49:4 76:9 83:6 111:15 120:21 124:12 142:19 <b>Idaho</b> 46:21 48:14 49:11 91:16 92:8 <b>idea</b> 11:24 12:3 100:4 160:20 <b>ideas</b> 203:15 <b>identification</b> 4:2 116:9 <b>identified</b> 35:25 85:20,25 89:23 90:15 92:2 96:20 97:5 129:4 151:10 167:9 182:20 183:21 201:25 <b>identifies</b> 185:24 186:1 <b>identify</b> 84:4 <b>identifying</b> 89:6 <b>IDS</b> 193:20,23,25 <b>iii</b> 191:11,18 <b>I'll</b> 5:8 9:3 19:25 33:3 34:8 38:3 39:4 58:23 60:3 66:22 199:14 <b>illuminated</b> 149:13 <b>I'm</b> 4:16 6:12 7:9	
<b>hiring</b> 13:21	<b>Hugie's</b> 24:2 25:21		
<b>hiring/firing</b> 43:11			
<b>history</b> 56:7 85:10			
<b>hold</b> 9:21			
<b>holder</b> 66:8			
<b>holding</b> 115:6 128:6			
<b>Holdings</b> 112:12,15,20,23 113:1,7,11,15,23 126:24 127:20,22,25 128:2,7			
<b>honest</b> 43:1 156:24			
<b>honestly</b> 48:2 100:4			
<b>honor</b> 62:21 102:23			
<b>hood</b> 83:18			
<b>hopeful</b> 203:13			
<b>hoping</b> 203:21			
<b>horsepower</b> 196:11 198:11,16			
<b>hot</b> 150:2,13			
			<b>imaging</b> 143:4 <b>impacted</b> 45:8 <b>import</b> 71:3 <b>important</b> 111:14 <b>imported</b> 70:12 71:6 74:14,16,20,21 <b>importing</b> 70:6,10,20,25



<b>Inc</b> 108:16	83:12 84:17,24	21,23,24,25	<b>involve</b> 80:25
<b>include</b> 71:9	85:5 87:5	109:8,9,21,24	<b>involved</b> 34:10
195:11	88:14,22 103:21	110:2,6,10,23	35:11 109:1
<b>included</b> 19:10	107:2 121:5	111:17,19,21,23	114:1,15 133:25
34:13	124:22	113:24	136:18,20
<b>including</b> 26:12	135:17,20 136:3	<b>insure</b> 111:23	144:11 158:7
33:5 92:13	137:4,5 140:12	<b>intellectual</b> 101:8	172:13 195:17
146:11 196:5	143:3,7 156:19	<b>intend</b> 203:23	197:25
<b>increase</b> 38:16	159:17 160:13	<b>intended</b>	<b>involvement</b>
198:10	161:14 167:10	147:17,19 199:3	34:16,19,23
<b>independent</b>	172:2 175:17	<b>intent</b> 36:1	<b>involving</b> 197:7
17:4,10 18:10,12	183:6 189:22	<b>intention</b> 197:1	<b>iPhone</b> 65:9 66:5
20:17	190:8,18 191:9	<b>interact</b> 86:7	<b>IRS</b> 105:1
<b>Indiana</b> 91:19	195:21 196:2	<b>interaction</b> 181:25	107:5,15 108:2
<b>indicate</b> 59:11	202:14,24	<b>interchangeably</b>	<b>issue</b> 60:17
<b>indicated</b> 21:15	<b>informed</b> 102:22	44:20	<b>issues</b> 78:5 113:6
<b>indication</b> 73:22	<b>initial</b> 54:6,7	<b>interest</b> 23:2,20	<b>item</b> 90:23 91:2
<b>indicator</b> 79:1,20	201:17	<b>interested</b> 68:9	<b>items</b> 85:11 89:6
<b>individual</b> 29:16	<b>initially</b> 22:11	73:1 205:16	90:11,19
47:7 69:19	54:16 98:13	<b>international</b>	<b>it's</b> 7:6 17:13,15
140:24 152:15	157:21,24	182:1,3	20:23 22:17,25
166:2,17 169:10	185:18 193:15	184:10,14	33:22 34:1 38:13
174:1 178:13	<b>initiate</b> 98:8	196:22,25 197:5	39:25 40:19 42:4
<b>individuals</b> 15:17	<b>initiated</b> 134:13	200:7	43:7,11 53:8,19
26:5,13 27:9	<b>initiation</b> 12:17	<b>internationally</b>	58:4 63:20 65:9
36:17 37:4 42:1	<b>injected</b> 199:17	183:2	66:7,14 69:22
68:18 69:2,6,15	<b>injection</b>	<b>Internet</b> 136:9	70:5,8 71:21
96:19 102:9	196:5,7,13	177:8	77:23 80:8,12
115:22 116:11	197:24	<b>interpretation</b>	89:3 100:13
168:24 175:13	<b>injector</b> 80:21	80:5 169:22	109:18
<b>Industries</b> 20:12	<b>inquired</b> 169:24	<b>interpreting</b> 146:3	111:11,14
<b>industry</b> 53:18	<b>insert</b> 95:24	<b>intersecting</b>	116:19 118:3,6
102:3,7 103:7	<b>inserted</b> 55:3	123:17	122:2 129:14
134:5 203:17,18	<b>install</b> 120:17,20	<b>introduce</b> 6:4	132:10,23
<b>info@h&amp;sperfor</b>	<b>installation</b> 92:24	65:11 120:21	133:6,8 134:11
<b>mance.com</b>	93:3 94:7	135:11	137:13
158:17,19 160:3	<b>installed</b> 116:2	<b>introduced</b> 47:7	138:16,17
<b>informal</b> 102:4	183:25	198:9	139:10,25
<b>informally</b> 101:16	<b>instruction</b> 65:14	<b>introducing</b> 30:16	144:4,5,7 150:13
<b>information</b> 5:16	<b>instructions</b>	69:25	152:2,24 154:11
33:12 36:23	94:23,24	<b>introduction</b>	164:24 181:23
38:7,21,22 43:9	<b>insurance</b>	175:24	189:22 191:4
54:4 60:4,20	108:12,14,16,17,		192:13 193:8

203:20	152:18	<b>large</b> 36:23	93:14,20,22,24
<b>iv</b> 191:5	<b>kills</b> 167:21	<b>larger</b> 34:21	94:1 176:21
<b>I've</b> 15:18,19	<b>kit</b>	<b>Larsen</b> 1:18	<b>liabilities</b> 111:24
74:20 83:21	95:7,9,10,12,14,	205:2,20 207:19	<b>liability</b> 104:19
111:20 114:8	15 169:14	<b>Las</b> 51:8 52:19	113:5 114:6
137:23 144:4,9	<b>kits</b> 169:16 170:11	<b>last</b> 7:6 9:5 19:20	<b>license</b> 48:23 49:1
163:16 177:9	<b>Klassen</b> 53:11,22	20:7 26:23	101:7,10
179:21 194:2	<b>K-L-A-S-S-E-N</b>	27:5,23 28:15	<b>licensed</b>
<hr/>	53:12	41:21 42:9 53:11	187:4,5,18 188:4
<b>J</b>	<b>Klassens</b> 62:16	64:21 66:21,24	<b>licenses</b> 49:5
<b>jam</b> 83:18	<b>knew</b> 12:9 46:23	75:5 99:9 102:14	<b>licensing</b> 49:15
<b>James</b> 155:10	48:8 172:17	110:17,24	54:6 61:9
<b>January</b> 92:17	<b>knowledge</b> 14:24	131:20	62:14,22 102:23
<b>Jason</b> 42:12 43:3	15:12 29:9 32:24	167:16,17	<b>light</b> 78:18 79:1,4
148:10	50:6 52:5	<b>late</b> 125:15	95:1 149:7,13,17
<b>Jefferson</b> 208:1	61:3,19 67:1	<b>later</b> 21:12 34:9	150:12 156:3
<b>Jennings</b>	70:19 74:1 79:2	39:4	196:19,21,24
155:10,13,20	80:20 90:1	<b>latitude</b> 146:2	<b>Lightening</b>
<b>Jersey</b> 91:22	92:9,14 99:15	<b>Lay</b> 26:21	169:5,12
<b>Jim</b> 27:22	101:23,25	<b>laymen's</b> 149:19	170:4,12
<b>job</b> 6:22,25	104:4,16 107:8	<b>least</b> 107:23	<b>lights</b> 79:20 94:21
7:2,6,23 8:8,17	112:23 134:21	<b>leave</b> 135:7	<b>likely</b> 136:21
9:1,2,5,15 13:25	136:17 150:20	<b>leaving</b> 130:9	<b>limit</b> 112:6
14:6 42:15	153:6 158:13	<b>legal</b> 69:21 70:19	<b>limitation</b> 182:9
131:17 135:4	159:24 163:6	104:16	<b>limited</b> 104:19
160:8,12	168:4,8	105:17,21	114:6 124:19
<b>jobs</b> 7:1 8:2	170:18,22	111:25 112:4	125:19 128:6
9:21,22 17:8	175:22	114:8,16 128:1	201:13 202:6
19:6	179:10,16	133:20,24	203:10
<b>Jones</b> 91:6	188:16,21	145:12 149:6	<b>line</b> 31:2 52:4
<b>July</b> 84:19 92:18	<b>K-O-C-H</b> 22:18	182:16	85:20 96:24
172:5	<b>Kurt</b> 28:9 105:15	<b>legally</b> 73:20	97:17 100:7,17
<b>June</b> 90:25 124:4	107:10	<b>less</b> 125:10 198:16	121:16 149:1
<b>junior</b> 10:8,17	<b>Kyle</b> 27:3	<b>let's</b> 15:20 24:25	161:16,17
<b>jurisdiction</b>	<hr/>	25:6 44:2 78:11	167:16
182:16	<b>L</b>	167:19	<b>lines</b> 49:25 70:17
<b>jurisdictions</b>	<b>label</b> 83:12,14	<b>level</b> 40:21 67:20	123:17 203:22
107:2	84:3	159:6 163:5	<b>link</b> 140:12
<hr/>	<b>labels</b> 182:11	166:22,23 176:8	<b>links</b> 154:9
<b>K</b>	<b>laid</b> 135:9	179:17	<b>list</b> 136:5 140:10
<b>Kathryn</b> 2:4 4:16	<b>Lake</b> 1:18	191:10,11	<b>listed</b> 86:24 90:3
207:15	<b>laptop</b> 50:1 103:17	196:11,15	176:12 183:17
<b>Kellen</b> 27:3	194:16	<b>levels</b> 40:19 58:7	

<b>liter</b> 93:14 155:17	<b>lot</b> 151:25 159:5	184:1	181:10,13,19
<b>literally</b> 159:14	162:21 177:14	<b>manufacturer's</b>	183:4 185:25
<b>litigation</b> 133:3	198:17	181:8 195:13	189:4,5 201:2
<b>little</b> 5:3 27:3	<b>lunch</b> 52:20	<b>manufactures</b>	<b>may</b> 15:14 16:19
34:25 39:4 58:23	129:15,18	32:25 57:13	20:9,10 23:14
76:11 169:4,5,12		75:22 76:24	27:11 38:4 66:23
170:4,12 202:11	<hr/> <b>M</b> <hr/>	134:2	73:1,4 75:6,7
<b>live</b> 47:9,13	<b>magazine</b> 180:25	<b>manufacturing</b>	95:1 100:15,17
167:20	<b>magnitude</b> 68:22	10:2 51:20 77:2	112:17 122:2
<b>LLC</b> 104:18,24	199:7	<b>March</b> 1:10	149:7 164:8
105:2 112:11	<b>main</b> 38:12 146:8	140:14 190:9	177:12,25
<b>LLM</b> 181:5	185:24 202:22	207:12 208:7	186:25 195:19
<b>loan</b> 112:13	<b>mainly</b> 8:3 14:19	<b>marked</b> 4:2 30:20	<b>maybe</b> 13:6 43:22
113:2,5	35:4 69:20	84:8 89:3 121:22	50:19 154:2
<b>local</b> 14:1	133:11,14	135:12 137:13	177:17
<b>located</b> 8:24	<b>maintain</b> 35:17	151:13	<b>MC-22AA</b> 2:5
10:15,20 31:16	<b>maintenance</b> 40:2	<b>market</b> 58:5	<b>McArthur</b> 19:20
50:7 61:24 63:16	42:22	59:2,7 101:22	<b>MCC</b> 115:12
67:22 76:13	54:10,14,17	<b>marketing</b> 14:21	116:15,23
91:11,15,18,21	<b>major</b> 123:10	15:2,21,25 16:1	117:1,2,5,9,11,2
92:7 106:23	<b>majority</b> 36:22	18:4,17 19:19	0,21 120:15
108:18 113:17	<b>maker</b> 9:6 11:13	20:4 34:13,17,24	<b>McKabe</b> 42:6,9
116:12 136:15	<b>malfunction</b>	35:1,2,3,4,8	43:4
197:3 202:17	79:1,19	36:17 106:2	<b>M-C-K-A-B-E</b>
<b>location</b> 11:22	<b>manage</b> 14:20	156:20	42:6,9
39:6,9,12,14	<b>managed</b> 14:19	<b>matter</b> 133:1,4	<b>mean</b> 44:13 51:18
41:9 55:4 75:19	144:4	134:8	52:23 78:22 94:3
126:22 127:3,10	<b>manager</b> 136:22	<b>Maxfield</b> 27:22	97:18 118:3
<b>locations</b> 104:14	144:3 160:9	<b>maximum</b> 112:6	131:1 134:1
<b>log</b> 175:7	<b>managing</b> 47:5	<b>Maxx</b> 45:19,22,25	139:5,6,25
<b>logo</b> 57:6 59:10	<b>manipulation</b>	46:7 55:18,20,24	149:14 150:7,20
65:18 132:4	196:17 197:8	56:1,12,15,22	162:19,25 170:5
<b>long</b> 6:15 7:14	<b>manual</b> 65:14	65:14,19 68:15	171:11 181:6,19
8:21 9:8 32:7	92:24 93:3 94:7	77:1,6,12	182:4 184:5
109:1 189:18	<b>manufacture</b>	85:21,25 86:17	186:8 187:13
<b>longer</b> 32:11,12	75:10,16 134:22	87:5,10,12	189:21 201:24
102:23 122:23	152:20 168:22	88:2,3 89:6,9,15	<b>meaning</b> 46:12
123:5	<b>manufacturer</b>	90:3,12,14 91:2	118:6
<b>Lori</b> 28:1,23,24	52:5 77:24 150:9	92:25 93:16	<b>means</b> 80:18
29:3,8	170:16 198:25	99:19,24 117:17	81:10,24
42:3,19,20	<b>manufacturers</b>	118:13,14	139:16,24 150:3
105:13 107:10	51:16 115:2	155:16,25	155:20 167:24
<b>lost</b> 72:24 189:7		156:1,2,7,9	169:19 171:13
		162:10,18 163:4	176:16 184:8
		165:23 166:6,24	203:7
		167:9 168:6	<b>meant</b> 80:2 112:25

201:20	<b>Miller</b> 2:13 4:20	12:11 21:9 50:2	<b>monthly</b> 25:1
<b>measure</b> 198:21	<b>million</b> 121:15	192:11	29:22 32:22
199:9	125:14,15,17,24	<b>mode</b> 147:7,10	127:15
<b>measures</b>	126:10,12,13	148:17,22 149:5	<b>months</b> 20:9 28:16
60:11,16,21	127:8,13 128:15	<b>model</b> 138:19	32:9 48:6 64:21
<b>mechanical</b> 23:16	130:18,24	142:25 143:5	66:25 75:5
<b>meet</b> 47:24 49:7	<b>millions</b> 129:3	152:9,12 164:12	123:20,21 165:8
<b>meeting</b> 37:16	<b>mine</b> 176:17	178:5	<b>Moore</b> 26:22
41:1 49:10	<b>Mini</b> 45:19 46:7	<b>modification</b>	<b>morning</b> 4:9,10
<b>meetings</b>	55:18,19	79:12 120:7	<b>mortgage</b>
37:13,20,22 38:1	56:12,15	145:10 195:11	127:2,6,12,15,17
<b>member</b> 5:25 6:19	65:14,19 68:15	<b>modifications</b>	,19,23
112:11 165:16	76:25 77:5	120:10	128:16,17,25
<b>Menace</b> 161:23,24	87:5,12 88:2	<b>modified</b> 143:15	<b>motor</b> 178:2,19
162:1,13 164:16	90:12,13 91:2	<b>modify</b> 46:8	187:4 188:4
<b>Menace's</b> 162:8	92:24 93:16	77:9,14,19	195:24 199:4
<b>mention</b> 62:6	99:18,24 117:17	82:2,4 156:2	<b>Motors</b> 191:23
<b>mentioned</b> 11:16	118:13	195:10	<b>Motorsports</b>
16:19 35:19	155:16,25	<b>modifying</b> 45:6	22:21 23:6,21
48:21 55:2 104:7	156:1,2,6,9	46:5 51:23 120:6	132:12,14
111:20 115:11	162:9,18 163:4	<b>module</b>	134:3,4
118:8 131:12	165:23 166:6,24	44:12,14,17,23	<b>mount</b> 65:8,10
<b>messages</b> 95:2	167:9 168:6	<b>mold</b> 75:3	<b>move</b> 84:9 157:8
<b>met</b> 20:25 47:12	183:4 185:25	<b>molded</b> 65:7	<b>moved</b> 8:20 17:5,6
48:2,5,16	189:4 201:2	<b>moment</b> 28:15	24:9 158:23
<b>method</b> 95:10	<b>minimize</b> 37:1	47:25	<b>moving</b> 29:14 90:8
103:13,16	160:25	<b>money</b> 9:23 83:10	91:23 94:11
<b>methods</b> 5:17	<b>minimizing</b> 81:1	106:11 113:19	170:23 183:4,16
<b>Michael</b> 53:14	<b>minimum</b> 19:2	125:19	190:1 195:16
<b>Mick</b> 42:7	27:17	126:22,25 128:7	197:7
<b>middle</b> 68:3 169:4	<b>minute</b> 7:10 84:11	129:1,5 131:5	<b>MPG</b> 148:1
171:22 173:15	102:16	132:16 180:16	161:17,19 163:8
176:6	<b>minutes</b> 43:22	193:17	164:15
<b>midst</b> 118:20	193:19	<b>money's</b> 32:15	<b>multi</b> 182:13
<b>mileage</b> 155:17	<b>mirrored</b> 25:14	<b>monies</b> 128:5	<b>multipage</b> 182:13
165:23 166:7,11	<b>miss</b> 111:14	<b>monitor</b> 173:11,12	<b>multiple</b> 164:7
168:7 176:19	<b>missed</b> 26:7	182:2,5,19,21	177:15
<b>miles</b> 147:3 148:3	141:13	<b>month</b> 3:10 18:14	<b>myself</b> 8:3 29:5
161:20	<b>Missouri</b>	24:1,6,17,19	32:14 42:10
<b>military</b> 68:7,9	133:7,8,12	25:8 43:10 99:12	76:17 98:13
200:10	134:12	115:21 119:9	175:12
	<b>misspelled</b> 162:22	120:25 124:4	<b>myself's</b> 41:2
	<b>mix</b> 27:12	127:18 173:8	
	<b>Mobile</b> 7:11,14	201:16	

<hr/> <b>N</b> <hr/>	78:20	109:8 115:8	142:18 143:19
<b>N.W</b> 2:5	<b>North</b> 2:10 132:11	122:24 123:1	151:3 153:13
<b>NADM</b> 133:24	134:2 207:2	<b>offered</b> 101:17,20	157:10 162:4
134:1,8	<b>Northern</b> 31:17	122:23 200:4,6	164:25 165:15
<b>NAFTA</b> 74:20	<b>notarized</b> 204:8	<b>offering</b> 98:19,22	170:25 172:5
<b>Namely</b> 59:8	<b>Notary</b> 1:19	200:1	173:14,18
<b>narrative</b> 94:6	205:1,21,25	<b>offers</b> 94:7	180:23 188:14
<b>Nashville</b> 91:12	<b>notice</b> 121:18	<b>offhand</b> 138:12	189:17 190:1,4
<b>nature</b> 131:25	122:1,5,10,12,20	141:5	191:18 192:10
142:20	123:4,8 124:5	<b>office</b> 4:17,21	197:15
<b>navigate</b> 38:8	<b>noticeable</b> 147:3	15:18 40:15,21	199:11,14
<b>navigation</b> 86:9	<b>notified</b> 60:8	<b>officer</b> 205:2	200:21 203:3
<b>necessarily</b> 9:22	<b>NOV</b> 123:14	<b>offices</b> 40:19,22	204:9,12
13:9 16:1 19:15	200:16	41:2,3	<b>on-board</b> 77:25
35:8 137:23	<b>November</b> 205:24	<b>official</b> 30:19	78:8 79:6
145:23 174:10	<b>NW</b> 208:1	135:13	<b>ones</b> 50:22 111:4
177:12,15		<b>oftentimes</b> 57:5	202:22
198:12	<hr/> <b>O</b> <hr/>	<b>oh</b> 27:22 42:12	<b>one's</b> 114:14
<b>necessary</b> 36:15	<b>Oath</b> 1:5 207:4	45:17,19 46:24	<b>one-tenth</b> 163:23
142:3	<b>OBD</b> 78:11,13,16	51:24 52:16,25	<b>one-time</b> 54:15
<b>neighborhood</b>	79:7,16,18	66:20 83:16	173:5
121:17	<b>obligations</b> 150:24	114:13 116:24	<b>ongoing</b> 54:17
<b>neither</b> 205:10	<b>obtain</b> 48:23,25	153:11 163:12	<b>online</b> 101:1
<b>Nelson</b> 105:15	113:2 119:23	170:7	104:14 116:13
<b>NeoVi</b>	<b>obtained</b> 110:7	<b>okay</b> 5:13,20 6:1	135:21
194:9,13,14,17	<b>obtaining</b> 31:8	7:2 8:5,24 9:4,15	<b>on-road</b> 189:6
<b>net</b> 3:10 120:25	<b>occasion</b> 21:6	10:9 11:7,19	<b>oOo</b> 2:15
121:14 123:14	37:10 185:9	15:20 18:7 30:23	<b>open</b> 142:2
124:8	<b>occasional</b> 173:13	33:16 34:8 39:7	<b>opened</b> 57:4
125:13,18,21	<b>occasionally</b> 38:2	41:22 43:13,22	<b>operated</b> 143:21
<b>Nevada</b> 51:9	50:1 59:8 98:1	44:1 48:1	<b>operating</b> 78:20
<b>newer</b> 23:9,10,11	165:10 173:12	51:10,15 52:1	<b>operation</b> 97:19
<b>Nielsen</b> 28:9 29:12	<b>occur</b> 39:21	53:21 60:2 65:21	158:7 164:22
107:10	<b>occurred</b> 40:4	67:15 68:11 70:2	<b>operations</b> 134:16
<b>nine</b> 41:17	180:11	73:9 76:23 78:12	142:23 143:16
<b>nitrogen</b> 80:15	<b>occurs</b> 40:20	84:7,12,13 85:18	<b>opportunity</b> 57:21
<b>noon</b> 129:14	<b>odd</b> 9:22	88:11 89:4 90:9	<b>option</b> 97:13 118:7
<b>nor</b> 147:19	<b>OEM</b> 50:2 77:21	92:20 93:9,19	181:24 183:15
205:11,15	120:11 156:6	95:3,4,19,20	200:14
<b>normal</b> 21:8 72:14	181:20 183:14	96:24 98:18	<b>oral</b> 1:15
	<b>offer</b> 74:8 108:24	99:14,20 102:2	<b>order</b> 68:22
		106:7 116:15	76:3,8,12,21
		117:4,22 119:10	113:1
		121:4 129:11,16	
		134:4,15 135:11	
		137:11 139:22	

120:15,17,20 145:18 195:12 <b>orders</b> 123:18 <b>organized</b> 38:14 <b>original</b> 77:23 150:8 168:21 170:16 195:12 198:25 207:9,13 <b>originally</b> 31:11 152:8 157:15 183:25 186:24 <b>others</b> 56:2 96:6 102:3 111:6 134:22 155:6 156:14 <b>otherwise</b> 137:7 160:14 175:19 204:10 205:16 <b>Otten</b> 26:22,24 134:25 135:1,7 <b>O-T-T-E-N</b> 27:1 <b>outcome</b> 205:16 <b>outdated</b> 177:25 <b>outline</b> 167:17 <b>outset</b> 131:12 <b>outside</b> 17:8 59:5 67:11,16 68:7 78:19 103:8 107:13 <b>overall</b> 16:4 <b>Overdrive</b> 115:14 118:9 <b>oversee</b> 29:19 <b>overseeing</b> 34:11 <b>over-the-road</b> 61:11 <b>owned</b> 7:7 50:18,19,20 186:19,22,23,24 187:24 <b>owner</b> 7:20 76:11 127:22	<b>owners</b> 47:8 48:22 49:8 53:2,4,6 61:8 128:11 171:6 <b>ownership</b> 51:12 <b>owns</b> 50:16 192:1 <b>oxidation</b> 139:12 <hr/> <b>P</b> <hr/> <b>p.m</b> 129:19 <b>PA</b> 167:20,24 168:1 <b>packaging</b> 35:7 <b>page</b> 3:3,8 85:16 86:15 87:4,22 89:1,5 90:3,8,11,17 91:23 93:9,10,20 94:11 95:4 121:3,12 125:4,5,12,13 126:11 143:21 152:5,23 153:19 155:4,8,9 161:9 165:12 167:1,4,5 169:3,4 171:19,22 173:14,15,17 181:4 191:1 207:9,14 <b>PAGE-LINE</b> 208:8 <b>pages</b> 121:3 124:19 156:16 206:4 <b>paid</b> 17:11 18:24 19:1 27:17,20 28:21,24 29:7,11 54:9,23 83:10 110:21 111:18 125:25 127:19 128:19 129:2 132:19 143:9 172:20,24 <b>paper</b> 14:1 <b>paperwork</b> 74:23	172:19 <b>participant</b> 179:3 <b>participating</b> 176:10 <b>particular</b> 46:13,14 60:1 85:19 97:12 118:3 150:14 151:8 160:10 161:2 163:22 164:5 168:25 172:9,11 176:3 178:1 180:15 181:2,8 186:16 <b>particularly</b> 182:7 <b>particulate</b> 79:23,25 80:3 94:3 <b>parties</b> 1:22 73:1 205:12,15 <b>partners</b> 131:8 <b>partnerships</b> 114:1 <b>part-time</b> 41:22 <b>party</b> 82:25 83:7,10 134:14 <b>passed</b> 151:25 <b>passes</b> 198:7 <b>password</b> 145:14 160:3,5 161:10 175:8,10,14 <b>past</b> 63:12 96:17 101:10 114:15 133:21 193:3 198:2 200:4 <b>pay</b> 19:17 32:17 55:15 99:4,7 105:7 110:9 119:17 197:13 <b>paying</b> 18:12 105:14 132:6 175:3 <b>payment</b> 54:7,15 111:1,7	127:16,17,19 173:3,5 <b>payroll</b> 23:15 41:19 <b>Payton</b> 21:25 22:5 24:2 42:5,25 43:1,2 <b>PC</b> 103:17 117:6 194:16 <b>PDI</b> 20:12,14,17,20 61:16,19 135:3,5 193:7,10 <b>peak</b> 43:5 <b>pending</b> 189:10 <b>Pennsylvania</b> 2:5 168:2 <b>people</b> 14:3,5 15:24 35:1,25 36:2 41:23 42:16 52:20 102:6 150:20 159:5,7,23 161:1 174:7 175:11 177:10,14 189:23 203:14 <b>per</b> 23:25 24:19 25:8 27:22 28:21 35:3 55:11 56:13 115:21 119:9 127:18 132:24 147:3 148:3 161:20 162:8 201:16 <b>percent</b> 107:11 163:24 <b>perform</b> 86:10 149:9 <b>performance</b> 2:8 5:22 6:15,19 11:21,25 12:17 16:6,9,16 17:18,21 20:12 22:14 23:24 24:3,12,15 26:12 28:11,25 29:3,17
--	---	---	---

30:5,13,14 32:7,11,17 33:13 34:12 36:16 39:9 41:5,9,14 44:6 47:20 48:25 49:14,19 50:23 51:3,13,19 54:4,23 56:15,24 57:16 59:1 61:2,9,13 62:8 63:4,9 64:11,14,17 68:14 69:1,5,9,21 70:21 72:19,20 74:13 75:10,24 77:17 78:18 83:15 84:1,21 85:11 88:13 89:8,13,18,20 90:2,13,14,20,24 91:5,8,10,14,21 92:4,6,10,17 95:22 96:22 100:22 101:4 102:22,24 103:11 104:10,17,22,24 105:1,10,16 106:5,8 107:1 108:6 109:11,12,16,19, 21 110:9,21 111:8,17,18 112:19 113:2 114:3,4,22 115:5,23 116:17 118:8 119:11 120:2,16 121:1,14 122:4,18 124:8 125:2,6,12,14,18 ,22 126:4 128:1,3,8 130:8,25 131:10,17 132:6,16 133:21 135:8,18,21 136:4,7,12,15,16 ,23 137:2,5	141:12,16,20 142:8 143:15,21,24 145:15 146:24 147:1 152:6 153:20,23 154:1,5,12,15,20 ,21 155:4,6 156:13,25 158:5 160:18 161:11 162:9 165:5 168:14 170:20 171:8,21,23,25 173:17,20,25 174:9,12 175:5,14,19,24 180:6 182:2 186:20 187:3 188:18,23 189:2 192:1,15,24 193:23 195:9,23 197:16 203:12,24 208:5  <b>performed</b> 82:16,20 83:3,8,9 142:10 143:9  <b>period</b> 16:8 17:9 20:5 28:3,8 32:10,19 33:21 43:10 47:2,18 71:5 99:3 134:17  <b>periods</b> 124:6 187:8  <b>perks</b> 74:8  <b>person</b> 30:4 37:12 49:7 151:5,22  <b>personality</b> 47:21 76:11  <b>personally</b> 20:23 35:14 50:18,19 85:5 189:24 194:3 203:23  <b>personnel</b> 15:16 25:25  <b>Peterson</b> 42:10	<b>phases</b> 191:13  <b>Philips</b> 46:24 47:3,9,24 48:5,8,16,19  <b>Phillip</b> 53:14,24  <b>phone</b> 32:6 96:25 97:7 102:2 151:18,19  <b>phones</b> 98:2 203:18,19  <b>photo</b> 153:5,9,14,25  <b>photocopy</b> 65:13  <b>photoshopped</b> 188:11  <b>phrase</b> 103:3  <b>physical</b> 39:17 95:11 170:1 198:6  <b>physically</b> 11:2 81:12  <b>picture</b> 65:15,19 151:16,17,23 153:3,4,22 188:7,10  <b>pictured</b> 152:22 153:25  <b>piece</b> 66:3 198:6  <b>pieces</b> 65:7 66:23 75:3,8,17 191:8  <b>pipe</b> 80:6,24  <b>pipes</b> 63:15 76:2,19  <b>Pirrotta</b> 2:4  <b>placed</b> 13:25 14:1,6  <b>placeholder</b> 20:2  <b>places</b> 75:14  <b>plan</b> 35:3,9 36:17 203:11,13  <b>plastic</b> 64:21,23 65:4,7,22	66:2,20 67:3 75:3,16 115:6  <b>plastic-only</b> 66:14  <b>played</b> 22:2 137:20  <b>please</b> 4:12 5:5,8,10 30:17 70:1 100:11 143:10 155:15 207:7,13,16  <b>pleasing</b> 38:11  <b>plug</b> 149:20  <b>point</b> 13:10,14 14:13,16 16:2 17:4 18:9 24:8 29:15 37:15 48:11 51:1 54:18 55:13 57:6,8 62:4,15 76:1 83:23 95:14 97:21 100:16 122:20 132:13 145:11 147:20 149:18 174:14,24 186:25 187:7 201:13  <b>points</b> 25:9  <b>policy</b> 73:19 110:9,13 111:11,17 112:3,7  <b>pollution</b> 10:2 83:19 123:6 147:11,17 149:14 150:7 155:24 168:21 170:12 181:17 183:13,24 195:13  <b>portion</b> 36:24 40:15 67:4 79:11 93:20 122:23 146:21 148:25 149:2 155:4 163:19 183:4,18
--	---	--	---

191:14 <b>portions</b> 13:6 103:18 190:23 <b>position</b> 5:23 8:20 9:16,18,25 10:1 14:2 <b>positive</b> 17:16 107:18,19 <b>possibilities</b> 113:14 <b>possibility</b> 116:19 <b>possible</b> 72:7 144:4,8 181:22,23,24 189:22 193:6,8 <b>possibly</b> 100:20 <b>post</b> 145:5 146:16 147:23 148:2,10,16 149:23 150:1,16,21 154:8 155:10,15 161:22 162:2,8,16 166:16 167:5,6,8,16 169:4,8,20 170:8 171:20 173:13,23 174:1,2,15 175:5 176:25 177:4,5,16,19 178:1,7 179:5,6 <b>posted</b> 135:21 136:6 137:6 140:20,24 153:13,16 154:4,20 163:24 178:7 181:1 <b>posting</b> 162:12,13 163:22 165:12 166:1 167:2 168:24 173:16,17,19 179:19 <b>postponed</b> 37:17	<b>posts</b> 156:13 164:4,9 177:13 <b>potential</b> 39:1 72:5 78:5 147:2 <b>potentially</b> 48:23 51:23 60:23 66:4 117:23 <b>power</b> 86:2,3 87:7,24 93:14,19,22,24 94:1 155:18 163:5 166:22,23 176:21 196:14 <b>Powercraft</b> 9:6 <b>Powerstroke</b> 87:2,18 88:9 161:11 184:4 <b>PPE</b> 62:7 <b>practice</b> 104:1 197:2 <b>practices</b> 122:11,12,16 <b>prefer</b> 146:24 <b>Premier</b> 90:20 91:14 92:3 <b>Premiere</b> 90:14,24 92:6,10 <b>premium</b> 110:15,17,18,19, 23 111:7 <b>premiums</b> 111:18 <b>preparing</b> 195:17 <b>presence</b> 36:18 <b>present</b> 1:21 2:12 26:1 93:21,24 129:13 133:21 139:6 <b>president</b> 108:22 109:4 <b>pretty</b> 11:9 40:22 81:16 142:1 198:17 <b>prevent</b> 60:12	79:15,18 <b>previous</b> 38:5 111:4 126:11 128:11 130:3 147:24 148:25 157:21 178:8 <b>previously</b> 33:6 69:12 85:23 88:2 90:5 92:23 96:20 97:5 104:7 105:20 114:9,25 131:13 144:22 151:10,13 157:11 161:19 186:9 187:24 <b>price</b> 55:19,22,24 57:24,25 58:6 67:20 73:17,19,21,24 74:5,6 110:7 127:10 <b>pricing</b> 55:9,11 58:12 <b>primarily</b> 21:18 28:12 29:19 140:7 159:1,2,4 <b>primary</b> 39:9 133:15 174:8 <b>principal</b> 47:3,15 48:7 137:1 <b>principals</b> 46:25 <b>printed</b> 184:23 <b>prior</b> 6:24 8:7 9:1,18 120:2 130:1 178:23 <b>probably</b> 13:8 14:17 24:5 26:16 49:24 55:21 67:18,24 69:17 133:17 141:22 192:8 201:15 <b>problem</b> 16:14 60:9 117:4 167:22 <b>process</b> 51:17	<b>processed</b> 123:19,24 <b>processes</b> 5:17 <b>producing</b> 198:22 <b>product</b> 14:18 21:17,23 22:4,9,11,15 29:21,25 35:6,12 36:13,15,19 37:23 38:23 41:5 45:5 46:4,6,15 52:1,2 58:9 62:23 74:2 87:6 93:16 94:23 98:25 99:8 116:16 118:9,11 122:6 145:12 152:4 171:15 181:9 197:20 199:6,25 <b>products</b> 13:2 21:7,10 22:10 36:3 38:25 39:3 41:7,8 45:17 46:11 54:5 57:22 58:3,11,12,14,17 ,21 61:10 63:23 64:1,5,8,10,15,1 8 68:5,6 70:6 71:7,13,15 72:12,19 73:2,16 82:13,14 85:19 90:14,20,24 91:15 92:4,7,10 96:14,17 98:4 99:3,6 101:22,24 102:3 104:9 109:7,9,10 147:24 152:9,19 172:12 184:15 189:4,15 203:14 <b>professionally</b> 12:9 <b>proficient</b> 185:17 <b>program</b> 74:9 123:25 129:9 <b>programmers</b>
--	---	--	---



82:18	180:14,18	189:9,10,12,18	<b>reach</b> 32:25 96:25
<b>programming</b>	<b>publications</b>	<b>questions</b> 98:15	<b>reached</b> 123:13
44:11	180:11	161:12 164:7,8	<b>reading</b> 95:3
<b>progressed</b> 198:1	<b>pulled</b> 153:12	176:3 200:20	167:8
<b>projects</b> 21:4,5,6	<b>purchase</b> 36:2	204:2 207:16	<b>ready</b> 43:21
<b>promotion</b> 132:16	50:23 74:2 75:23	<b>quick</b> 200:19	<b>real</b> 128:5
<b>pronounced</b> 22:17	76:1,3 119:25	<b>QuickBooks</b>	<b>really</b> 15:19 21:22
<b>property</b> 101:8	127:10 128:8	126:18 129:7,12	25:2,4 35:3
126:25	<b>purchased</b> 21:10	<b>quite</b> 52:17,21	36:12 37:2,17
128:8,10,14,19,2	51:2 74:17	57:24 124:6	47:22 50:4 67:23
5	119:12 127:9	158:23	68:24 74:23
<b>protect</b> 96:5	128:10 152:8	<b>quitting</b> 41:21	123:16
<b>protected</b> 160:3	166:14	42:13	<b>reason</b> 47:19
<b>protection</b> 2:3,4	187:1,10,17	<hr/>	51:22 59:6 76:20
4:18 5:18 70:9	<b>purchases</b> 201:14	<hr/> R <hr/>	140:17 141:3,5
84:18 121:10,19	<b>purchasing</b> 71:7	<b>race</b> 85:21,25	163:15 179:22
124:24 190:10	74:10 152:13	86:17 87:5,13	208:8
207:15	193:15	89:6,9	<b>reasoning</b> 76:10
<b>protections</b> 96:9	<b>purpose</b> 13:5	90:4,12,14 91:2	<b>reasons</b> 58:6
<b>prove</b> 61:7	35:16,21,23	122:21 132:2,8	86:4,5,8,13
200:8,11	77:8,12,18 79:24	181:10	98:24,25 195:15
<b>provide</b> 68:17	80:11 81:1,6	183:16,19,21	<b>reboot</b> 182:17
85:5 96:16	85:24 87:23	200:10	<b>recall</b> 8:23 9:13
103:11 105:22	160:23 195:1,5,8	<b>racing</b> 132:4	11:17,18 12:1
124:23 204:6	196:6,9,12,16,20	<b>raise</b> 16:15,20	13:20 18:25
<b>provided</b> 54:5	197:8 198:10,13	24:10	20:25 24:11
55:3 56:6 62:7	<b>purposes</b> 44:19	<b>raised</b> 176:4	27:5,13 29:18
72:20 76:8	74:15 87:6,9	<b>Ram</b> 86:22	32:2 48:2 53:4
88:13,24	88:1 104:23	87:1,13,17 88:6	54:24 56:25
103:12,13,16	<b>pursuant</b> 1:16 6:2	142:25 143:4,13	67:9,15 102:20
120:2 121:8,9	<b>Pypes</b> 89:8	152:3,21	113:13
124:11 132:15	<hr/>	<b>range</b> 14:17 15:4	118:20,24
136:4 140:13	<hr/> Q <hr/>	24:22 25:8	121:20
184:15 189:1	<b>Quadzilla</b> 62:5	26:17,19 28:23	122:11,19
191:16 195:20	<b>quantity</b> 89:23	50:15 54:11	127:11 128:12
204:8	<b>quarter</b> 69:7,8	55:21,25 56:16	130:13,17
<b>provides</b> 105:12	98:21 99:12	57:24,25 59:15	151:20 152:24
<b>providing</b> 88:21	102:20 103:2	63:14 76:6 78:20	157:22 173:2
96:13 106:5	173:9	93:8 98:20 99:11	191:14
141:10 190:19	<b>question</b> 5:7 27:23	119:9 132:22	<b>receipt</b> 123:14
<b>public</b> 1:19 5:16	46:25 56:17,21	198:17	200:15
40:7 141:21	102:25 130:3	<b>ranges</b> 25:5,6	<b>receivable</b> 126:23
201:19 205:1,21	148:21 152:2	<b>rather</b> 193:13	<b>receive</b> 11:4 100:7
<b>publication</b>	163:9 166:4,14	<b>RE</b> 207:4	102:2,11 109:4
	176:9,13 180:22		114:11,19,22

121:18 126:20 131:9 158:18 <b>received</b> 6:9 17:11 55:7 100:17 102:14 118:23 122:4,10,13 123:4 124:5 130:7,14,24 159:11 <b>receiving</b> 19:14 201:6 <b>recent</b> 111:5 156:13 <b>recently</b> 57:21 125:16 <b>recirculation</b> 81:5 <b>recognition</b> 35:22,24 36:2 <b>recognize</b> 6:6 30:24 65:12 70:3,5 84:13 88:18 92:23 93:10 120:22 121:22 135:14,23 137:21 138:10,20 148:8 151:14 153:2 155:1 163:21 165:2 168:10 171:1 173:19 180:2 184:19 186:17 190:5,13 <b>recollection</b> 31:4 32:13 112:3 123:18 144:21 171:24 <b>recommend</b> 64:25 <b>recommendation</b> 170:1 <b>recommendations</b> 73:24 155:5 <b>recommended</b> 73:20 <b>record</b> 4:12 5:9	25:25 33:4 44:3,5 49:5 51:11 52:22 60:4 83:7 111:16 116:14 129:12,17,20,24 143:3 200:24 204:13,14 205:9 <b>records</b> 15:16 33:5,15 51:11 111:18 122:8 123:22 124:13 <b>recurring</b> 173:6 <b>Red</b> 63:20,21,22 64:3,6,11,15,20 65:3,5,23 69:11 70:24 71:5,14,24 72:17 73:4,7,15 74:2 75:3 <b>redesigned</b> 123:25 <b>reduce</b> 60:16 81:7 122:17 <b>reduced</b> 205:7 <b>reduction</b> 80:9 139:4 <b>refer</b> 32:25 44:22 111:11 122:7 129:7 201:23 <b>reference</b> 124:10 177:18,23 178:4 181:4 189:13 191:19 192:11 <b>referenced</b> 34:2 41:24 116:16 143:13 144:23 170:11 <b>references</b> 166:19 167:11 169:12 196:4 <b>referencing</b> 146:12 147:7 162:1 176:21 178:2,12,19 187:25 <b>referred</b> 44:16	79:3 161:21 <b>referring</b> 22:7 45:10 65:18 67:11,13 122:15 123:12 126:2 143:7 170:7 <b>refers</b> 134:23 147:10 <b>reflected</b> 54:19 128:2 <b>refresh</b> 31:4 76:17 144:20 171:24 <b>regarding</b> 55:1 58:24 60:14 72:4,19 75:8 76:23 95:5 101:17,24 102:3,9 183:7 189:1 207:10 <b>regardless</b> 177:19 <b>register</b> 178:9 <b>registered</b> 157:24 158:1 187:8,14 200:11 <b>Registration</b> 202:20 <b>regular</b> 37:13 179:2 <b>regularly</b> 52:20,21 <b>reigns</b> 142:2 <b>reiterate</b> 202:10 <b>related</b> 12:14 29:8 80:12 90:7 120:8 139:10 205:11 <b>relationship</b> 49:13 61:3,4 63:5 75:25 105:25 106:2 <b>relative</b> 205:13 <b>release</b> 120:3 <b>remainder</b> 126:13 <b>remaining</b> 125:10 134:19	<b>remember</b> 20:1,7 68:1 74:19 171:2 172:3,20 193:16 <b>removable</b> 196:23 <b>removal</b> 79:12 80:3,25 122:24 123:1 184:7 186:7,13 <b>remove</b> 80:5,19 81:11,12 95:16 123:10 147:17 156:1 165:19 184:11 196:23 199:24 <b>removed</b> 93:22,25 94:2,4,9,16 95:7 139:20 147:11 155:25 156:4 <b>removing</b> 80:23 95:11 186:12 196:23 <b>repair</b> 7:13 8:3 21:9 40:9 192:8 <b>repairs</b> 40:2,4 <b>repeat</b> 137:9 <b>repeated</b> 169:20 <b>rephrase</b> 5:8 45:12 72:22,23 77:4 105:23 109:15 <b>report</b> 16:3 41:24 42:1 <b>reporter</b> 5:9 <b>Reporter/Notary</b> 207:20 <b>Reporting</b> 1:19 208:1 <b>represent</b> 70:8 134:7 148:16 150:17 <b>representation</b> 88:13 92:16 153:5 163:7 168:5 170:20
---	--	---	---

175:23 179:18 188:17,22 <b>represented</b> 134:10 <b>representing</b> 31:3 <b>represents</b> 179:8,9 <b>reprogram</b> 86:1,3 87:7,23 <b>request</b> 25:25 33:3 43:9 49:4,5 51:11 60:3 83:7 84:17,22 111:16 129:12 135:17,20 143:3 148:12 190:8,17 <b>requested</b> 33:7 57:16 <b>requests</b> 145:5 159:16 <b>required</b> 177:11 <b>requires</b> 12:24 131:7 <b>resale</b> 71:15 72:5 <b>reselling</b> 71:25 73:2 <b>reserved</b> 204:16 <b>reside</b> 200:13 <b>resold</b> 73:16 <b>resolved</b> 133:1 <b>respective</b> 1:22 <b>respond</b> 84:21 98:2 <b>responded</b> 170:3,5 194:9 <b>response</b> 5:10 45:15 88:15 136:2 140:8,14 142:20 148:11 169:21 190:17,20 191:15,19 192:12 195:18 <b>responses</b> 5:11	85:1,3 <b>responsibilities</b> 7:24 8:18 9:16 14:14 29:16 42:16 131:17 135:5 156:21 172:10 <b>responsibility</b> 13:5 <b>responsible</b> 16:20 49:18,19 140:7 141:15 142:4 156:19 164:20 178:13 202:23 207:10 <b>rest</b> 27:15 54:12 <b>restrict</b> 184:13 <b>restricted</b> 141:8,21 <b>restriction</b> 198:22 <b>restrictions</b> 141:11,16 <b>result</b> 36:5 47:21 95:1 118:24 <b>results</b> 143:8 <b>retail</b> 41:11 <b>return</b> 34:8 39:4 58:23 105:5 129:15 144:19 <b>returning</b> 21:12,14 <b>returns</b> 105:10 <b>reverse</b> 191:9 <b>review</b> 16:16 17:3 121:2 156:23 159:16 170:24 204:6 <b>reviewed</b> 15:19 <b>reviewing</b> 156:19 202:24 <b>reviews</b> 16:6,9 <b>rewards</b> 74:9	<b>Rexburg</b> 91:16 <b>rich</b> 38:7,21 <b>right-hand</b> 90:21 <b>rigs</b> 61:10 <b>risk</b> 108:25 110:6 <b>risks</b> 111:24,25 <b>River</b> 11:22 39:8,14 40:16 50:7 127:2,9 <b>road</b> 11:22 39:8,15 40:16 50:7 127:3,10 167:20 189:15,24,25 <b>Robert</b> 26:22,23 134:25 <b>role</b> 12:21,23 13:3,16 22:1,13 108:20 137:1 <b>roles</b> 12:18 144:7 <b>Rollin</b> 89:15 91:17 <b>Roman</b> 191:4,18 <b>room</b> 2:5 41:1 <b>rough</b> 204:4 <b>round</b> 179:10 <b>row</b> 87:3,21 <b>royalties</b> 114:11,19,22 <b>rule</b> 16:17 <b>rules</b> 5:4 <b>rumors</b> 59:4 <b>run</b> 146:24 149:8 150:12 155:16 162:20,25 176:8 179:17 <b>running</b> 12:10,11 148:17,21 149:5,12 150:6 164:21 166:5 176:17 <b>Ryan</b> 20:6	<hr/> <b>S</b> <hr/> <b>salaried</b> 16:23 18:3,6 24:10 27:12,14 28:17 <b>salaries</b> 16:21 25:13 26:2 129:2 130:4 <b>salary</b> 18:3 23:23 24:2,9,12,14 25:1,11,21 109:4 126:19 130:5 142:5 <b>sale</b> 89:13 101:17,21 126:6 201:18 <b>sales</b> 8:20 36:11 51:12 56:7 85:10 89:23 91:24 92:16 99:20 104:8,10 115:17 119:6 122:6,7,22 123:25 124:13,17,18 184:13 201:9,11,13,20,2 4 <b>salt</b> 1:17 167:20 <b>sanctioning</b> 132:3,9 <b>Santa</b> 10:16 <b>sat</b> 36:9 <b>savings</b> 106:16 <b>saw</b> 52:20 57:11 74:23 <b>scan</b> 50:2 <b>schedule</b> 16:13 <b>scheduled</b> 16:17 <b>scheduling</b> 8:2 <b>school</b> 10:7,10,12,13,14 ,24,25 <b>scope</b> 111:8,10 112:2
---	--	---	--

<b>S-corp</b> 105:3	177:9,21 179:21	161:17 162:2	<b>shop</b> 192:4
<b>Scott</b> 15:25 16:3,7 157:19,23	<b>select</b> 97:13	163:8 164:14	<b>shops</b> 192:8
<b>SCR</b>	<b>selected</b> 94:17	168:6,22 170:16	<b>short</b> 28:8 47:2 78:12 189:20
80:7,11,19,22,25	<b>selective</b> 80:9	195:13 198:25	<b>shortly</b> 122:9
81:1,20 120:7	139:4	<b>settlement</b> 125:24	<b>showed</b> 74:24
138:25 139:3,5	<b>self-certification</b>	126:3 133:23	<b>showing</b> 30:20
168:17 170:21	182:24	<b>seven</b> 41:17 174:6	<b>shows</b> 125:17 175:8 177:12
<b>scraped</b> 59:10	<b>self-help</b> 37:3	<b>several</b> 41:3 58:6	<b>sic</b> 7:15 19:25 122:24 137:4 177:10 203:22
<b>screen</b> 56:3	<b>sell</b> 36:15	59:14 60:7 64:24	<b>sign</b> 104:2 107:17
65:8,10	56:15,18,23	65:9 67:24 74:7	<b>signature</b>
<b>SCT</b> 53:19	58:14,17 61:10	76:24 102:6	177:9,23,25
62:12,13,16,17,1	62:5 64:20 65:23	175:11 177:21	178:1,6,14
9 92:11	66:3 71:13	<b>shakes</b> 5:11 114:7	204:16
102:15,21	73:12,13,21	<b>share</b> 20:14 60:20	207:9,11,14
<b>SD</b> 55:3 70:16	90:13 91:5	101:8	<b>signed</b> 104:5 107:20,23
74:14,21 96:2	95:13,14	<b>sharing</b> 159:23	172:19 206:8
<b>se</b> 35:3	<b>selling</b> 65:5 69:2,5	<b>sheet</b> 125:17 128:3	207:13
<b>second</b> 18:20	75:3 76:18	206:8 207:13	<b>signs</b> 59:10 107:14,25
26:25 66:22	98:11,25 103:9	<b>sheets</b> 125:5 129:4	<b>similar</b> 9:25 35:6 72:16 86:10
86:15 87:3	118:9,17 119:3	<b>shelving</b> 40:1	101:21
167:1,5 197:11	122:18 145:12	<b>shift</b> 115:15	102:11,25
<b>secrets</b> 5:18	149:19 201:1	<b>ship</b> 74:3	<b>site</b> 36:22,25 38:6,20
<b>section</b> 21:17	202:6	<b>shipment</b> 102:15	<b>six</b> 17:13,14,15 32:9 64:21 75:5 174:6
40:12 43:21,25	<b>sells</b> 76:24	<b>shipments</b>	<b>six-month</b>
85:17 156:12	77:5,11,16 85:24	69:18,20 201:6	32:10,19
181:11 191:18	87:6	<b>shipped</b> 41:8	<b>size</b> 86:12
192:11	<b>sensor</b> 197:8	55:15 56:5 63:23	<b>skip</b> 104:15 167:16
<b>seeing</b> 121:17	<b>sent</b> 140:11 172:20	64:18 67:7,10	<b>skipping</b> 93:21
<b>seek</b> 159:25	<b>sentence</b> 167:18	68:5,6,12,14	<b>Skyler</b> 30:4,7 31:3,5,9,12 34:2 144:23 145:22 146:10
<b>seeking</b> 146:11	<b>separate</b> 14:25	69:10,12 76:8	
<b>seem</b> 178:17	89:7 95:12 100:2	<b>shipping</b> 19:14	
<b>seemed</b> 60:10	112:21 113:4	64:6,10,14 69:9	
123:18	128:1 174:1,2	<b>shipping/</b>	
<b>seems</b> 147:9	<b>September</b> 124:7	<b>receiving</b> 15:7	
176:18	<b>serial</b> 116:10	43:4	
<b>seen</b> 22:25 70:4	<b>service</b> 21:9 59:9	<b>Shirts</b> 1:6,15 3:4	
74:21	91:6 106:5	4:4,13 42:6	
83:14,21,24,25	<b>services</b> 105:22	120:21	
84:3 137:24	<b>settable</b> 118:7	121:3,6,12	
146:16	<b>setting</b> 120:11	123:12 124:3	
151:16,17	150:9 165:22	125:4,9,12 129:4	
153:22 156:12	166:5	206:3,18 207:4,8	
161:7 163:16	<b>settings</b> 156:6	208:6,25	

<b>Skyler's</b> 145:18 148:11 <b>Skyline</b> 4:13 <b>slightly</b> 121:14 <b>small</b> 12:24 20:24 34:20 47:4 108:25 <b>Smarty/Race</b> 63:7 <b>Smoke</b> 89:16 91:17 <b>snow</b> 10:13,14 167:21 <b>software</b> 46:17 54:10,14,17 60:23 65:2 67:5 79:11 95:21 96:3 99:23,25 100:3,23 103:17,22,24 115:8,10,12,14,2 3 116:2 117:5,11,20 119:2,7,13,15,17 ,19 120:4,5,10,15 129:9 184:12 195:4,6 <b>sold</b> 7:11 53:8,15 55:4 56:9 58:4,8,12 62:16 65:3 66:16,21,23 68:18 71:7 73:18 85:11 87:22 89:10,15 90:13,19,23 92:3 98:13 99:3,9,16 109:10,12,16,18 116:13,16 119:10 123:5 182:6 187:11,12,15 197:2 <b>solely</b> 41:8 <b>somebody</b> 99:8 <b>somebody's</b> 151:18	<b>somehow</b> 60:24 79:13 <b>someone</b> 19:14 22:8 59:16 74:5 97:10 101:2 103:8 136:16 151:20 154:7 157:20,23 159:18 169:23 174:21 176:9 185:4 189:23 202:23 <b>sometime</b> 13:19 17:22 21:2 33:20 47:17 63:1 69:7 72:10 83:4 98:20 99:11 102:17 135:9 <b>somewhat</b> 197:25 <b>somewhere</b> 23:25 24:4,6 31:17 59:21 75:21 83:18 91:19 106:13 110:18 202:4 <b>Sooty</b> 169:9 <b>sorry</b> 18:14 26:7 34:15 52:25 69:12 72:22 95:3 97:20 114:13,14 134:3,6 137:9 167:4 189:7,17 197:14 199:12 <b>sort</b> 13:14 65:8 139:18 202:18 <b>Sounds</b> 169:22 <b>sources</b> 59:5 <b>South</b> 1:17 11:22 39:8,14 40:16 50:7 68:2 127:2,9 <b>space</b> 17:7 <b>spammers</b> 165:10 <b>span</b> 189:20 <b>Sparks</b> 31:24 32:1	<b>Spartan</b> 63:5 <b>speaking</b> 50:1 <b>specialized</b> 13:12,16 <b>specific</b> 54:3 58:20,22 67:9 73:6 81:8,17 83:2 103:10 116:3,8,9 117:18 122:15 128:12 130:17 163:2 192:14 193:22 194:11,12 <b>specifically</b> 15:1,24 27:13 30:25 32:4 50:25 60:18,25 66:17 72:2 73:10 76:5,9 80:17 82:13 83:16,22 84:2 93:11 98:18 100:24 102:5 111:10 119:24 124:2 130:4,20 138:18 149:4 156:23 161:5 171:18 172:15,23 178:11 <b>specifications</b> 23:12 <b>specifics</b> 31:18 50:21 82:20 132:24 <b>specify</b> 148:23 <b>speeding</b> 153:12 <b>spell</b> 26:25 <b>spelled</b> 17:14,15 <b>spend</b> 37:2 <b>spin</b> 198:8 <b>spoken</b> 169:13 <b>spray</b> 80:22 <b>sprayed</b> 80:13 <b>spreadsheet</b> 86:21	<b>St</b> 2:10 8:6,25 10:21 11:22 47:14 48:16 51:6,8 55:5 61:18 133:18 207:2 <b>staffed</b> 97:4 <b>staffing</b> 97:9,13 <b>stages</b> 197:25 <b>stand</b> 139:12 148:1 <b>standing</b> 51:11 <b>stands</b> 77:22 79:22 81:4 104:19 161:19 <b>Star</b> 50:2 192:10 <b>start</b> 6:12 15:20 24:25 26:9,17 42:19 43:25 64:12 <b>started</b> 8:19,22 24:7 98:11 123:25 164:15 197:22 <b>starting</b> 7:2 <b>start-up</b> 12:24 <b>state</b> 1:17 4:11 43:15 75:21 76:15 118:18 126:3 128:20 133:8,10 166:12 187:5,19 <b>stated</b> 43:10 <b>statement</b> 183:10 186:4 <b>states</b> 67:14 70:11,13,21,25 71:3,10,16 72:1,6,21 73:2,16,18 74:4,6,15 99:10 106:21 107:7 116:12 150:1 178:6 180:11
--	--	---	--

182:10,15 184:16 197:3 <b>stating</b> 59:15 149:10 <b>status</b> 18:10 <b>stenotype</b> 205:7 <b>stepping</b> 25:9 <b>stocker</b> 8:20 <b>stocking</b> 67:17,21 <b>Stone</b> 176:13,14,16 <b>Stone's</b> 179:5 <b>stop</b> 17:20 52:18,20 53:2 69:5 98:19,22 202:3 <b>stopped</b> 54:18 132:6 201:1,11,20 <b>stopping</b> 201:23 <b>stored</b> 41:5 117:16 138:8 <b>storing</b> 79:16 <b>street</b> 1:17 45:1,3,4,9,13,16, 24 46:2,3 122:22 <b>strictly</b> 73:14 <b>strong</b> 147:4 <b>structure</b> 33:25 131:7 <b>sub-company</b> 34:3 <b>subcontract</b> 64:22 <b>subcontracted</b> 31:6 33:23 <b>sub-forum</b> 165:22 <b>sub-forums</b> 164:12,13 <b>subheading</b> 164:17 <b>submitted</b> 136:2 195:19 202:24	<b>subpoena</b> 1:16 3:9 6:2,5 <b>subscription</b> 173:6 <b>Subsequently</b> 123:8 <b>subsidiary</b> 112:19 <b>substance</b> 61:7 <b>substantial</b> 17:9 <b>sub-topic</b> 164:17 <b>suggest</b> 48:19 <b>Suite</b> 2:10 207:2 <b>sulfur</b> 199:19,22 200:2,14 201:15,22 202:8 <b>Superduty</b> 162:13,14,19 <b>superior</b> 36:13 <b>supervisor</b> 141:25 <b>supply</b> 58:4 <b>support</b> 15:8 26:6,12,13,20 36:24 37:1,4 40:23 96:14,16,21 97:1,14,15,22,24 98:1,3,9,10,14,1 9,23 99:7,8 160:25 169:24 202:19 <b>supporting</b> 171:9,11,17,25 172:8,25 174:5 175:2,24 202:16 <b>sure</b> 11:9 15:5 18:6 26:9 38:13 39:20 53:24 78:14 81:18 101:19 107:11,22 111:6 112:16 129:23 132:23 149:9 153:8 164:23 165:14 169:22	180:21 182:4 197:12 202:3 <b>surname</b> 22:16 <b>sworn</b> 4:5 205:5 <b>symbol</b> 150:18 <b>system</b> 37:3 78:1,4,8 79:7 86:9 94:13,15,19,25 95:6 97:7 123:19,24 182:1 <b>systems</b> 22:25 23:1,6 120:8 181:16,17,20 183:12,22,25 203:16 <hr/> <b>T</b> <hr/> <b>tab</b> 89:3 <b>talk</b> 61:8 <b>talked</b> 189:13 201:10 <b>talking</b> 8:2 66:18 83:17 177:20,22 <b>tax</b> 28:10 104:23 105:5,10 107:1,25 <b>taxes</b> 28:13 105:7,15 128:19,22 <b>team</b> 35:15,16,20 36:21 37:6,9,14,20 42:23 136:21 140:22 141:22,24 144:13,14 151:6,10 154:6 156:18 157:17 158:9,10 159:1,3 160:22 161:3,15 164:20 165:17 174:14,22 175:12 180:9,13 185:4,5,7,16,19	197:18 <b>tech</b> 26:6,12,13,20 27:23 37:1,4 40:23 59:5 96:20,24 97:16 98:3,8 100:7,17 151:21 161:12 169:13 170:6 173:16 174:1,17,19 <b>TechII</b> 50:3 191:19 192:3 <b>technical</b> 14:19 15:8 23:12 36:24 38:7,21,22 60:19 80:14 96:13,16 97:1,14,15,22,24 98:1,10,14,19,23 99:7 102:10,13 160:25 169:24 <b>technically</b> 62:14 <b>technologies</b> 7:15 12:11 21:10 46:12 49:18 62:10 183:13 195:14 <b>technology</b> 7:11 10:3 84:5 123:6 147:11,17 149:15 150:7 155:24 156:2 168:21 170:13 183:25 <b>ten</b> 100:14 177:10 <b>tenants</b> 128:11 <b>Tennessee</b> 91:13 <b>tenure</b> 19:16 <b>term</b> 45:14 103:8 109:23 111:20,22 134:5 149:19 <b>terminated</b> 62:15 <b>termination</b> 62:19 <b>terms</b> 10:1 22:15 29:4 83:21
---	---	--	--

182:17,20	33:17 34:8	173:17 181:4	193:22
<b>test</b> 82:19	43:13,19 137:11	191:1,11	<b>tools</b> 50:2
143:8,12	143:10 164:25	198:16,17	<b>top</b> 50:3 56:7
<b>tested</b> 142:24	179:2,24 200:22	<b>they'd</b> 59:15	59:22 67:23
203:4	204:2 207:17	<b>they're</b> 27:11	68:20 85:17 95:5
<b>testified</b> 4:6 11:20	<b>Thanks</b> 155:19	40:22 57:23	100:13
26:10 34:10	<b>that's</b> 5:15 18:15	58:3,11 76:15	110:14,16 129:8
35:19 38:15,20	19:24 20:6 26:18	83:17 90:6	155:9 161:9
43:14 49:17 55:2	38:9,12 50:3,4	109:18 112:21	167:2,6 168:12
56:12 61:15 67:7	53:1 54:8 55:6	116:8,13 120:19	176:7 181:3
74:13 75:2 76:23	64:4 66:25 67:1	152:25	<b>Topham</b> 30:5,7
85:23 87:10	79:3,5 81:16	177:11,22	31:9
92:23 95:23	85:23 87:8,19	<b>third</b> 33:24 82:24	<b>topic</b> 94:12 95:5
100:6 102:8	89:25 91:1 93:16	83:7,10 98:21	164:14
105:21 114:17	96:1 100:20	102:20 103:1	168:17,25
115:1 119:1	103:8 105:5	191:1 208:2	179:17
122:9 125:9	106:17,18 116:7	<b>third-party</b> 82:21	<b>topics</b> 161:2 164:8
126:19 127:25	124:4 126:10	143:7	<b>Torque</b> 62:9
134:17 139:3	128:17 129:9	<b>thousands</b> 59:17	<b>total</b> 32:22,23
144:22 147:14	139:18 146:14	68:23	39:24 130:19
157:11 161:19	148:6 150:14	<b>throwing</b> 111:13	<b>towards</b> 176:7
200:25 201:5	164:16,17	<b>thumb</b> 150:19	<b>towing</b> 146:13
203:9	166:9,13,23	<b>Tilt</b> 61:8,12,13,23	179:9
<b>Testify</b> 3:9	177:8,10,18	62:2	<b>town</b> 12:10
<b>testifying</b> 204:3	178:7 188:11	<b>Tim</b> 26:21	20:23,24 192:9
<b>testimonial</b> 148:11	189:16 193:17	<b>timeline</b> 202:12	<b>trade</b> 5:18
<b>testimonials</b>	196:10 197:1,23	<b>tire</b>	<b>traffic</b> 41:10,12
145:19,24	198:21 199:14	8:10,12,14,15,18	<b>transcript</b> 3:13
146:11 148:12	200:12 201:19	,21,24 9:2	204:5
<b>testimony</b> 5:14	<b>theirs</b> 154:9	<b>tires</b> 86:12	<b>transcription</b>
58:24 110:20	<b>themselves</b> 53:5	<b>title</b> 6:22 164:23	206:6
123:3 124:11	75:11 182:12	<b>titling</b> 187:2	<b>transmission</b>
130:1,23 188:25	197:6	<b>today</b> 4:19 5:15	115:15 118:15
189:13 204:11	<b>thereafter</b> 122:20	6:1 24:14 25:12	<b>tried</b> 14:3 36:25
205:4,6,9	123:5 205:7	41:14 42:17	37:2
206:5,6	<b>therefore</b> 164:21	44:19 50:16	<b>trip</b> 179:10,11
<b>testing</b> 40:10,13	<b>there's</b> 27:4,5	66:19,20 69:3	<b>trips</b> 52:18 74:8
51:2 82:8,11,23	40:15 60:7 65:9	101:12 127:12	<b>trouble</b>
142:11,15,16,21	66:22 67:24	203:3 204:3	78:7,10,15,23
143:4,7,14 187:9	68:2,3 75:20	<b>toilets</b> 13:1	94:20 149:16
203:6	80:20 86:6	<b>Tony</b> 4:20 199:15	<b>troubleshoot</b>
<b>tests</b> 82:12,15	104:8,12 124:5	<b>tool</b> 191:24	38:23 39:2
83:8,9 143:9	130:18 132:10	192:14,15,22	
<b>Thank</b> 4:15 6:12	142:17 155:10		
8:16 9:24 11:19	161:16,22		
21:13 27:2,7	164:2,6 166:1		
	167:2 172:5		

<b>truck</b> 66:12 83:15 84:4 87:13 88:6 118:3 138:10,15,16,17, 18,20,21 142:11 147:1 149:8 152:5,7,13,14,21 ,22 156:9 168:22 186:23 187:25 188:4 <b>trucks</b> 23:9,10 50:10,13,14,16,1 8,23 51:1,4,12,17 61:11 86:18,22,25 88:9 142:22 143:14 167:21 181:8,12 183:7 184:1 186:1,17,19 203:5 <b>true</b> 130:6 205:9 206:5 <b>try</b> 36:15 60:12 152:9 <b>trying</b> 13:1 55:10 66:16 77:3 145:25 166:11 178:25 189:11 <b>tune</b> 103:14 146:24 147:2 149:6 150:2,14 176:18,20 <b>tuned</b> 149:10 <b>tuner</b> 44:6 45:1,3,4,14,24 46:1,2 77:17 85:21,25 86:7,17 87:5,13 89:9 90:4,12,14 91:3 95:16 122:21,22 149:6 176:23 181:11 183:16,17,19,21 <b>tuners</b> 45:9,16 89:7 182:12 184:8 200:15	<b>tunes</b> 49:19,23 50:11,24 51:18 103:4,12,15 184:5 185:24 186:5 <b>tuning</b> 53:18 94:8,16 115:12,17,23 117:9,18 154:2 196:22 <b>turbo</b> 22:25 23:6 169:14 <b>turbocharger</b> 198:3,19,24 199:3,5,8,10,16 <b>turbocharger's</b> 198:14,18 <b>turn</b> 69:24 95:20 137:12 145:22 151:12 154:8 155:8 156:11 173:14 179:25 182:1 <b>turned</b> 79:14 <b>turning</b> 13:10,14 14:13 26:3 29:15 85:4,16 87:3,21 88:17 89:1 92:22 93:9 95:4 124:15 125:4 126:11 146:15 148:7 154:25 161:6 165:1,21 168:9 169:3 171:19 176:2 177:6 179:5 181:10 183:10,22 184:18 188:20 190:25 <b>turns</b> 181:16 183:11 <b>type</b> 6:21 7:12 8:11 11:4 38:22 40:4 45:9,25 61:20 63:4 65:10 70:6,15 73:5 74:11 76:18,19	78:15 80:21 82:15 83:8 108:23 109:7 112:4 116:5 117:9 119:7 158:13 196:2 <b>types</b> 10:22 38:25 40:13 50:13 64:1,5 68:12 78:10 86:25 101:24 117:14 185:14 <b>typewriting</b> 205:8 <hr/> U <hr/> <b>U.S</b> 67:12 68:8 71:19,21 72:13 73:13 123:11 200:9 <b>Uh-huh</b> 77:7 89:2 94:14 153:21 161:18 165:25 <b>ultimate</b> 76:20 <b>ultimately</b> 37:17 48:25 60:12 142:4 187:9 <b>unbelievable</b> 155:18 <b>underneath</b> 150:16 161:10,16,22 162:12 169:8 185:25 186:4 <b>understand</b> 5:7 45:11 50:4 60:19 97:20 105:24 154:10 162:14 163:9 177:24 189:19 195:7,9,25 203:15 <b>understanding</b> 33:22 34:1,4 53:19 100:25 111:21 151:22 153:9 154:11	162:5 179:1 199:12 <b>undertake</b> 82:7,10 <b>unhappy</b> 132:5 <b>unison</b> 80:23 <b>unit</b> 182:18 <b>United</b> 67:14 70:11,13,21,25 71:3,9,15 72:1,5,21 73:2,16,18 74:4,6,14 99:10 106:21 107:6 116:12 180:11 182:10,14 184:16 197:3 <b>universal</b> 65:9 66:5 <b>unlikely</b> 178:17 <b>unlock</b> 116:1 201:22 <b>unplug</b> 94:25 <b>Unplug/Delete</b> 95:6 <b>unplugged</b> 94:16,19 <b>update</b> 101:3 177:11 <b>updates</b> 99:23,25 100:3,23 <b>upgraded</b> 22:25 <b>upstairs</b> 40:25 41:2,3 <b>UREA</b> 94:13,15,19,25 <b>USB</b> 70:16,18 74:14 <b>USEPA</b> 122:1 <b>user</b> 103:13 174:6,8,11 <b>Utah</b> 1:18,20 2:10 4:14 8:6,25 9:7 10:16,21 11:22
--	--	--	---



31:17 47:14 48:17 51:7 61:18 75:15,19 128:20 187:6,19 205:21 207:2 <b>utilized</b> 142:22 191:12 <hr/> V <hr/> <b>vacation</b> 74:8 <b>vaguely</b> 68:1 113:9 171:2 184:20 197:23 <b>value</b> 128:2,18,24 <b>valued</b> 128:14 <b>Van</b> 26:22,24 134:25 135:1,7 <b>varied</b> 158:22 165:6 <b>varies</b> 125:14 <b>various</b> 7:1 9:21,22 10:24 50:17 51:5 52:12 55:11 64:20,23 70:17 75:14 78:17 86:6,7,12,17 97:8 159:7 203:4,5 <b>vary</b> 19:5 67:19 <b>Vegas</b> 51:8 52:19 <b>vehicle</b> 64:24 65:8 78:6 83:19,23 87:23 94:4 116:8 119:21 120:11,18 138:22 139:7,20,25 142:17 147:12 152:1,2 162:17 170:13 178:3,10,19 183:13 188:5 194:16 198:7 199:1,4 200:9,13	202:16 203:7,17 <b>vehicles</b> 40:9 82:8 83:22,24 84:1 123:7 177:15 187:4,5,17 192:23 <b>vehicle's</b> 86:1 87:7 <b>vendor</b> 171:9,12,17,25 172:25 174:5 175:2,25 <b>vendors</b> 172:8 <b>verbal</b> 5:10,12 62:18 72:3,7,9,11,17 <b>verbally</b> 62:15 102:22 <b>verified</b> 201:14,21 202:7,13 <b>verify</b> 72:9 116:6,18 <b>versa</b> 21:7 <b>version</b> 162:22 <b>versions</b> 147:24 <b>versus</b> 168:18 170:21 <b>via</b> 100:1 155:25 159:16,17 202:15 <b>vice</b> 21:7 <b>Vickie</b> 1:18 205:2,20 207:19 <b>video</b> 137:20,22 138:5,8,11,14,24 139:1,5 140:1,5,13,21,24 141:8,11,15 142:11 <b>videos</b> 135:20 136:6,15 141:12,17,20 <b>view</b> 65:10 66:7 <b>Violation</b> 121:18	122:1,5,10,13 123:4 124:5 <b>visit</b> 52:9 <b>visited</b> 52:15 <b>visually</b> 121:16 <b>Vladimir</b> 146:17 <hr/> W <hr/> <b>wage</b> 19:2,5 27:17 29:4 <b>warehouse</b> 8:19 39:15,18,22,23,2 5 40:5,11 41:4,6 56:10,24 197:6 <b>warning</b> 182:11 <b>warrant</b> 99:1 <b>warranty</b> 51:24,25 59:9 99:2 <b>Washington</b> 2:6 4:14,19 9:7 76:15 208:2 <b>wasn't</b> 16:12,17 37:10 57:15 96:12 97:9 123:24 130:11 165:14 <b>water</b> 43:23 <b>Wayne</b> 28:14 <b>ways</b> 145:24 <b>web</b> 35:15,16,20 36:21 37:6,9,14,20 42:22,23 136:21 140:22 141:22,24 144:13,14 151:5,10 154:6 156:18 157:17 158:9,10 159:1,2 160:22 161:3,15 164:20 165:17 174:14,21 175:12 180:9,13 185:4,5,7,16,17,	19,20 <b>website</b> 16:2 35:1,5,6,12,17 36:18,24 38:18 100:1 101:4,5 103:25 104:14 115:24 119:11,12,15,16, 25 136:10 153:23 156:12 157:12,14,18,21 158:2,4,8,15 159:11 160:18 163:14,19 164:1,21 165:5 168:12,14 175:25 189:2 202:15 <b>we'd</b> 5:5 145:8 200:19 <b>week</b> 41:21 <b>weekends</b> 97:25 <b>weekly</b> 37:16 <b>weeks</b> 165:8 <b>Welcome</b> 171:23 <b>we'll</b> 20:2 21:12 129:14 204:5 <b>Wells</b> 106:9,20 113:18,20 125:20 126:21 129:1 <b>we're</b> 38:6 44:19 58:10 64:4 70:22 88:11 95:20 100:14 112:13 129:23 137:12 203:16,19,21 204:12 <b>we've</b> 14:2,3,4,6 36:9,11,12 52:5 65:3 102:7 103:14 107:11 128:24 133:25 192:4 203:3,14 <b>whatever</b> 12:23
---	--	--	---

66:6 157:25 <b>whatnot</b> 52:21 123:20 130:8 132:5 172:19 178:11 187:15 <b>Whereupon</b> 4:3 <b>whether</b> 22:2 32:5 57:18 70:24 73:12 <b>whoever</b> 31:11 159:21 <b>whoever's</b> 176:12 <b>whole</b> 23:8 <b>wholly</b> 133:18 <b>whom</b> 109:10 205:2 <b>who's</b> 4:20 71:22 <b>whose</b> 11:24 151:19 160:20 205:4 <b>wild</b> 176:18 <b>window</b> 47:4 202:2 <b>WiTech</b> 192:18,24 193:12 <b>witness</b> 2:8 3:3 4:5 60:6 114:7 129:16,21 180:23 189:11 200:21 205:4,6,10 207:10 208:6 <b>Wittwer</b> 20:19 <b>word-of-mouth</b> 14:9 <b>work</b> 6:14 7:14 11:15 16:14 17:17 19:22 20:16 23:16 26:18 27:7 28:11 29:21 30:14 32:7,12 33:18,23 41:24 42:2 43:6 47:6 53:22 82:3	83:10 95:15 101:13 133:15 134:22 157:4 159:7 181:9 184:9,12 194:11 196:1 <b>worked</b> 6:15 7:5 8:9 15:13,17 19:19 20:8 21:20,23 22:3 23:24 24:3 26:1 29:25 31:6 34:2 35:20 48:13 90:5 96:20 144:24 145:1,22 157:23 175:14 185:11,14 194:17,20,23 <b>working</b> 11:12 15:21 17:20 18:17 19:14 20:4 22:20 23:17 26:3,5,13 27:25 30:5,10 31:12 41:14 48:20 83:24 145:2 151:9 164:24 186:12 <b>works</b> 17:24 20:19 66:5 135:1 148:24 149:1 154:2,7,10 <b>world</b> 179:13 <b>worth</b> 3:10 32:15 42:12 120:25 121:14 123:14 124:9 125:13,18,21 <b>wow</b> 54:8 172:3 193:17 <b>wrap</b> 189:12 <b>written</b> 5:9 59:20,22 72:3,8 111:12 <b>www.h&amp;sperform</b> <b>ance.com</b> 158:5	<hr/> <b>X</b> <hr/> <b>XRT</b> 98:12 117:17 118:13 183:16,19,21 185:25 <b>XRT-Pro</b> 45:20 46:8 55:22 56:17 68:16 77:17 87:22 91:24 99:18,24 145:19 147:5,7 148:21,24 149:1,4,10,13 150:2,13 177:1 178:22 189:5 201:2 <hr/> <b>Y</b> <hr/> <b>year-end</b> 28:13 <b>yearly</b> 29:12 105:15 130:7 173:8 <b>year-wise</b> 98:8 <b>Yep</b> 155:12 <b>yesterday</b> 49:4 <b>yours</b> 25:22 207:18 <b>yourself</b> 30:22 148:20 190:2 <b>YouTube</b> 136:6,10,13,17,2 3,25 137:6 140:15,21,24 141:8,11,16,21 189:3 <b>you've</b> 41:23 56:12 57:25 61:15 71:2 76:23 84:3 87:9 88:1 92:23 103:21 105:20 114:16,25 119:1 125:9 127:25 151:10 182:20 186:8 201:25	203:9 <hr/> <b>Z</b> <hr/> <b>Zane</b> 22:8,9,14 23:14 41:19 <b>Zane's</b> 22:16 23:23
---	--	--	---